

# Task Force on Countering Disinformation (March 1, 2022 Concluding Report)

*State of Arizona Supreme Court*

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## Task Force on Countering Disinformation

March 1, 2022

Concluding Report

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## MEMBERS

2021

Aaron Nash, Chair  
Communications Director  
Arizona Supreme Court

Hon. Bradley Astrowsky  
Judge, Superior Court in Maricopa County  
Arizona Judges Association representative

Shelly Bacon  
Superior Court in Coconino County  
Deputy Court Administrator

Fredric Bellamy  
Dickinson Wright

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

David Fuller  
Limited Jurisdiction Courts

Dr. Dawn Gilpin  
Arizona State University  
Walter Cronkite School of Journalism & Mass  
Communications  
Assistant Dean for Research

Eduard Goodman  
Global Privacy Officer

Joe Hengemuehler  
State Bar of Arizona  
Chief Communications Officer

Patience Huntwork  
Arizona Supreme Court  
Staff Attorney

Hon. Todd Lang  
Judge, Superior Court in Maricopa County

Krisanne LoGalbo  
Superior Court in Pima County  
Community Relations & Public Information Officer

Dr. Scott Ruston  
Arizona State University  
Global Security Initiative  
Director, Center and Narrative, Disinformation and  
Strategic Influence

Deborah Schaefer  
General and Limited Jurisdiction Court  
Administrator (Ret.)

## Special Thanks

The Task Force on Countering Disinformation's work was supplemented and improved by the participation of many groups and individuals. Their experiences, attendance, input, suggestions, cautions, and recommendations guided the Task Force toward creating comprehensive and thoughtful recommendations and suggestions for implementing those recommendations.

Participation included public members who attended nearly every meeting from 2019 through 2021, national organizations, local chapters of national organizations, local and national experts. Whether making public comments, presenting at Arizona judicial branch functions, presenting at Task Force meetings, or participating in periodic check-ins, these groups and individuals gave their time and interest in support of the Task Force's work. All these efforts were supported, coordinated, or made better by staff to the Task Force, Alicia Moffatt.

### **The Task Force thanks:**

Robert M. Brutinel  
Chief Justice, Arizona Supreme Court

David K. Byers  
Director, Arizona Administrative Office of the Courts

Participating members of the public, including Lori Ford and Malinda Sherwyn

Member proxies: Kate Merolo, Logan Clark, Victoria Stratton, Nancy Rodriguez, Tiarra Earls-Haas, Alexis Allen

Elizabeth Rindskopf-Parker  
Dean Emerita of the University of the Pacific  
McGeorge School of Law

Suzanne Spaulding  
Senior Adviser, Homeland Security, International Security Program

The California Judges Association, particularly Hon. Paul Bacigalupo and Hon. Barbara Kronlund

Jesse Rutledge  
Vice President of External Affairs, National Center for State Courts

Cathleen Cole  
Director, Legal Information and Access, The Arizona Bar Foundation

Chris Kline  
President and CEO, Arizona Broadcasters Association

Kristy Roschke  
Arizona State University, Managing Director, News Co/Lab, Walter Cronkite School of Journalism and Mass Communication

Paul McGoldrick  
Arizona Liaison for the American College of Trial Lawyers (ACTL) and the American Board of Trial Advocates (ABOTA)

Craig Waters  
Director, Public Information Office, Florida Supreme Court

Paul Flemming  
Director of Public Information, Office of the Florida State Courts Administrator

Leslie Smith  
Senior Communications Coordinator, The Florida Bar

### **Staff to the Task Force**

Alicia Moffatt  
Arizona Supreme Court  
Communications Specialist

# Executive Summary

## Continuation of the Task Force

The Arizona Supreme Court’s Task Force on Countering Disinformation (Task Force) was established in 2019 and conducted its initial work of developing recommendations to maintain public trust and confidence in the judiciary throughout 2020. By the end of 2020, the Task Force made 27 recommendations in nine broad categories. In 2021, the Task Force addressed each of those recommendations. Some were consolidated into others, but ultimately, the Task Force followed up on or implemented its original recommendations. In October of 2021, the Task Force was recognized by the Arizona Supreme Court with a Strategic Agenda Award for maintaining public trust and confidence.

## Creation and Purpose of the Task Force

To remind the reader of the Task Force’s beginnings, Arizona Supreme Court Chief Justice Robert Brutinel’s strategic agenda for Arizona’s courts, *Justice for the Future, Planning for Excellence*,<sup>1</sup> includes a focus on promoting public trust and confidence in courts and awareness of the role courts serve in society. Arizona’s court leaders recognize that people, organizations, and foreign and domestic entities intentionally instigate or seed disinformation<sup>2</sup> into the information environment<sup>3</sup> to undermine public confidence in this country’s institutions, including courts. It seems each day includes a headline revealing the use of disinformation to generate skepticism or distrust in American democracy. There is every indication these efforts will continue and tracing their origins will become more difficult.

Information about local and national experiences with, and responses to, misinformation and disinformation was a regular part of the discussion during Task Force meetings and within its workgroups. At the same time, members of the public who attended Task Force meetings commented on the need for the Task Force to recognize First Amendment rights while protecting robust debate, differences of opinion, and legitimate criticism of courts and of the government’s actions. The Task Force wholeheartedly endorses this goal.

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<sup>1</sup> *Justice for the Future, Planning for Excellence*, at <https://www.azcourts.gov/AZ-Courts/Strategic-Agenda>

<sup>2</sup> For this Report, the Task Force defined disinformation as “False, inaccurate or misleading information that is deliberately spread to the public with the intent to undermine the democratic process, sow discord, profit financially, or create distrust of government institutions or public officials. Disinformation should not be confused with misinformation, which is false information shared by those who do not recognize it as such, or with legitimate criticism, protest or censure of government actions, institutions or processes.”

<sup>3</sup> “Information environment” is used here to capture all forms of communication, including traditional print, radio, and TV media, social media, other online outlets, pamphlets, artificial intelligence and bots, in-person discussions and beyond.

Indeed, the ideals of free speech, open courts, criticism, and debate, in addition to transparency and accountability, appear in the first paragraph of Administrative Order 2019-114 (“AO 2019-114”)<sup>4</sup> that established the Task Force. This Concluding Report (Report) and the October 2020 Report seek to promote free speech, the right of redress of grievances, and the ability to voice sincerely held differences of opinion while acknowledging groups exist whose intent is to monopolize and degrade the debate for purposes of eroding trust and confidence in courts and the judicial system. AO 2019-114 further directed the Task Force to submit a Report<sup>5</sup> to the Arizona Judicial Council (“AJC”) by October 1, 2020, “offering options to help ensure that accurate, verifiable facts and information remain available to the public.”

To address these issues in Arizona, on September 18, 2019, Chief Justice Brutinel issued AO 2019-114, establishing the Task Force. Chief Justice Brutinel ordered that 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.

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<sup>4</sup> In the Matter of: Establishment of the Task Force on Countering Disinformation, at <https://www.azcourts.gov/Portals/22/admorder/Orders19/2019-114.pdf>.

<sup>5</sup> Task Force on Countering Disinformation Final Report, at <https://www.azcourts.gov/Portals/74/DisinformationTF/CDTFReport%20FINAL2020.pdf>.

# SUMMARY OF IMPLEMENTED RECOMMENDATIONS

## I. Background

From the nine broad recommendations, the Task Force made 27 total recommendations for countering disinformation. Some of the recommendations were to create partnerships, or to track disinformation trends, and others called for tangible materials, such as written handouts and instructional outreach. The broad category recommendations included research, partnerships, outreach, and judicial branch resources. For a table of the individual recommendations included within the broader categories, see Appendix 1.

The Task Force's research included tracking trends in misinformation and disinformation and the technology to follow and respond to those trends. The partnerships category involved connecting with a representative from the local American Board of Trial Advocates (ABOTA), the American College of Trial Lawyers (ACTL), the National Center for State Courts (NCSC), the Arizona Judges Association, the Arizona Bar Foundation, the Public Information and Messaging workgroup of the Arizona Supreme Court's Commission on Access to Justice, the Arizona Council for Social Studies, and the Arizona Department of Education's Civic Education and Community Engagement program.

The Task Force's outreach efforts included connecting with the Arizona Broadcasters Association, creating a one-page information sheet on misinformation and disinformation in English and Spanish, redesigning the Arizona Supreme Court's outreach website, and developing a feedback survey courts can use locally. The internal judicial branch resources that were developed included a court branding guide, a disinformation playbook, media contacts, "how-to" reference information to effectively establish and maintain official court social media accounts, a guide to reporting potential disinformation to social media platforms, and a list of designated court public information officers and their courts' websites and social media outlets. The Task Force's specific updates will follow the original recommendations from the October 2020 Report.

The October 2020 Report asserted:

*...that the judicial branch must work tirelessly to assure that America's courts remain the model for the world, to recognize that courts are not perfect, that the law is constantly evolving, and the justice system must adapt accordingly. To achieve this, courts need honest, dedicated critics and monitors of court proceedings. Courts must also oppose malicious campaigns, foreign and domestic, intended to weaken the U.S. through discrediting and defaming courts as a co-equal branch of government. Considering the current inadequacy of civic education and understanding, the Task Force asserts that proactive measures are necessary to achieve this goal of protecting the rule of law.*



These assertions remain true, as attacks on the judiciary continued throughout 2021, directed from private groups and individuals as well as from public officials. When outcomes are unfavorable to an individual, a cause, or a movement, judges and courts continue being characterized by some as partisan, corrupt, or as promoting a particular social or political agenda. Such comments in the media are rarely countered with reminders that the judicial branch was designed to operate with fidelity to the law and without regard to popular opinion or majority demands.

Following the outline of the Task Force’s October 2020 Report, implementation in 2021 focused on education and community outreach, and encouraging judges and judicial branch staff to expand engagement with their communities. This outreach included speaking engagements and court-sponsored legal programs and educational events. Additionally, the Task Force recommends that courts provide clearly written explanations and instructions using “plain English.”

The Task Force properly viewed the October 2020 Report as a first step. A next step in 2021 was to conduct a brief survey of judicial branch leadership to determine the current state of information sharing with the public on court websites and social media accounts, and through designated staff serving the functions of a public information officer. See Appendix 2.

This Report is another step along the path, identifying specific materials the Task Force has prepared and the measures courts, judges, and employees can take to expand and maintain public trust and confidence going forward. For example, the first nine recommendations below have a common theme of proactive steps courts can take to communicate with the public. Through websites, spokespersons, social media, educational sessions and other outreach, courts and judicial branch employees can bridge the knowledge gap of the role courts play and the importance of courts in American civics.

## II. Task Force Recommendations

The original Task Force recommendations are listed below, followed by information on how the 2021 Task Force implemented or followed up on the recommendation.

- 1. The Task Force recommended that the Administrative Office of the Courts empanel a “redesign team” to redesign the structure of Our Courts Arizona (OCA) and develop ways to best leverage OCA to provide support and assistance to the many organizations that offer civic education resources throughout the state.*

Having a judicial community outreach hub through Arizona’s Administrative Office of the Courts allows courts and members of the public to have a central resource to coordinate information about common judicial themes and information. Government agencies typically provide information about their history and the services they provide to the public. The Task Force developed a redesign of the former “Our Courts Arizona” community outreach program, renaming the program “Community Outreach.” This rebranding makes the intent immediately recognizable and encompasses outreach and education in its various forms and applications. The updated website will reflect a more contemporary design of tiles, links, videos, and other intuitive resources for on-demand content and to make it easier for the public to connect with Arizona’s courts.

- 2. The Task Force recommended that the redesigned OCA recommend a liaison to the Arizona Council for Social Studies (ACSS) and the Arizona Department of Education’s Civic Education and Community Engagement Program (CE2) or any other body whose mission fits with the mission of OCA.*

The Task Force saw partnering with educational organizations as a commonsense approach to improving students’ knowledge of the judicial branch of government. ACSS and CE2 were established organizations of kindergarten through high school educators and subject matter experts. The Task Force completed this goal by having a liaison attend regular meetings of ACSS and CE2 throughout 2021. This partnership is anticipated to continue going forward, with a representative from Arizona’s Administrative Office of the Courts (AOC), a court public information officer, or both.

- 3. The Task Force recommended that OCA coordinate with K-12 schools, universities, community groups, and other youth and adult programs to present information about courts, the judicial branch, and how media literacy protects democracy.*

In addition to youth learners in the K-12 education system, the Task Force recognized that information about the judicial branch would be important to adult learners as well, whether they be in a formal educational system, part of extra curricular lifelong learning programs, or in response to an individual's curiosity or interests. The redesigned Community Outreach website will allow judicial branch employees to volunteer for outreach and for schools and community groups to request a judicial branch presenter.

4. *The Task Force recommended that individual courts designate a person or people to serve the function of a public information officer (PIO) who will be the liaison between an individual court and its judicial officers, court employees, local justice partners, the media, and the public.*

Having a person or several people identified to be a liaison with the media and the public helps courts and the public. Courts want to be responsive, timely, and accurate, and having a designee to fill this role meets those goals. Additionally, judicial branch employees are subject to codes of conduct to ensure their words and actions promote justice, rather than potentially harm the processing of cases. A designee authorized to speak on a court's behalf reduces the potential for other employees to inadvertently do or say something that would violate the codes of conduct.

The Task Force identified individual court PIOs and contact information through its survey of judges and court administrators and Arizona's AOC will maintain that list. Although not in the original Task Force recommendations, the Task Force recommended emphasizing the importance of individual court leaders designating court staff to serve the function of a PIO. Proposed language was drafted for consideration the next time an Arizona Supreme Court Administrative Order on the topic issues, updating the language to specifically give presiding judges discretion to designate staff with PIO functions for their courts. Similar language for discretionary designations is recommended in Orders related to the authority of Clerks of Superior Court, Presiding Justices of the Peace, and court departments such as adult and juvenile probation. The latest Administrative Order in this area is AO 2017-79, and the Task Force recommended adding language to the "Duties" section in the future such as, "Designate a person or people to serve the function of Public Information Officer."

5. *The Task Force recommended that every court establish and maintain a court-specific website or webpage to provide accurate information and access to justice 24 hours a day, 7 days a week through local or statewide resources.*

The public expects government agencies, including individual courts, to have a website. Websites are a consistent location the public can turn to for official information and they are relatively easy to change and update. The Task Force made this recommendation to court leaders through email, meetings, and during a statewide judicial conference. The Task Force reviewed all the Arizona court websites it could locate and found, while most courts have a website, either their own or through local government, many only contain basic and static information, such as the court's address, phone number, and hours of operation. Expanding website content to include current information on court processes and procedures provides access and helps keep people informed. Courts are encouraged to actively use websites to share accurate and timely information and resources.

6. *The Task Force recommended that every court establish and maintain at least one social media account, such as Facebook, Twitter, Instagram, or YouTube, to keep the public and media informed about court events; to notify the community quickly and efficiently in emergencies; and as a tool to timely counteract disinformation, to provide accurate information, and to help the public better understand court policies and procedures. Even if an individual court cannot immediately use these social media channels, it should secure them to prevent the name being taken by others.*

Like websites, the public often expects government agencies to have a presence on social media platforms because social media has increasingly become where the public gets their information. Key findings from the National Center for State Courts' 2020 State of the State Courts survey<sup>6</sup> indicate younger Americans are much more likely to both turn to and trust social media for information. The Task Force surveyed Arizona court leaders to learn which courts have social media accounts or could use local government accounts to post court information. Findings indicated that few courts have a social media account; however, some noted they may be able to post on their local government social media site. Currently, very few courts are actively using social media to keep the public informed. While not in the original recommendations, the Task Force thought it would be helpful to provide courts with "how-to" reference information for establishing official social media accounts, including instructions, considerations before using social media, tutorials, and resources. Electronic and printable versions will be available to courts through the AOC and the AOC will maintain and update the materials as new information becomes available. The AOC will pursue actively distributing the current work product to court leadership throughout Arizona.

The Task Force determined that establishing an official court social media account with a verification badge does not prevent others from creating a look-alike site with a similar name and using the look-alike account with

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<sup>6</sup> See the National Center for State Courts' 2020 survey at [www.ncsc.org/survey](http://www.ncsc.org/survey)

malintent. The Task Force also noted good-faith look-alike accounts exist to fill a void where courts have not created an official account. Those accounts provide objective information about court location, hours, and other information. Given the existence of look-alike accounts, the Task Force recommends court staff be assigned responsibility for checking social media regularly, perhaps monthly, to be aware of look-alike sites related to local courts and court officials. When look-alike sites are discovered, courts should attempt to have official sites created or verified and, when appropriate, promptly report sites posting misleading or inaccurate information to the social media platform.

7. *The Task Force recommended that the AOC conduct court-led learning events for the media and that individual courts do so to the extent possible.*

Legacy media reporters assigned to cover courts is largely a remnant of days gone by. Multimedia journalists have replaced beat reporters. They are the writer, producer, editor, and film crew in one, facing strict deadlines in a business with rapid turnover. Informing new and experienced reporters alike about what courts do, helps promote accuracy in reporting. The AOC will host semi-annually, or quarterly learning events targeted to statewide media, working with the Arizona Broadcasters Association, the Arizona Press Club, Arizona court-based PIOs, and volunteer judicial officers and court executives. Having experienced through the pandemic that virtual meetings are a cost-effective and inclusive way to reach stakeholders, these sessions will build a bridge between Arizona's judiciary and the media.

The learning events will provide the media with substantial, relevant knowledge regarding the structure and flow of criminal and civil cases; access to court proceedings, records, and information; the submission of public records requests under Arizona Supreme Court Rule 123; and court processes and protocol. The sessions will help the media more thoroughly understand their role in educating the public, and connecting a judicial ruling to constitutional principles. Courts, in turn, will benefit from learning more about the media and their obligations in this 24/7 always-open reporting environment. They will be empowered to unlock more trusting and cohesive relationships with media partners, opening clear lines of communication between the media and Arizona courts. Finally, these sessions will help close the knowledge gap for newer reporters and highlight the importance of accurate, court-based reporting, thus reducing the likelihood of disinformation spreading through media outlets.

8. *The Task Force recommended that the court produce educational videos regarding media literacy and misinformation and disinformation affecting the justice system. The videos could be aired to prospective jurors, placed on court websites, distributed through social media, broadcast to tour groups or at court-*

*based speaking engagements, and provided to schools. The production of these videos could be through the AOC, the Arizona Foundation for Legal Services and Education, individual courts, or grant-funded projects, or by use of others' content approved for republication.*

Video remains a popular and convenient way of conveying information. Task Force members reviewed local court content and sought out publicly available materials that could be made available to the public. That content, and content yet to be developed, will be assembled and maintained by the AOC on a future AOC Community Outreach page.

- 9. The Task Force recommended that, where available, courts include media literacy messages on their telephone on-hold messages. For example, encouraging listeners to contact courts directly to verify information.*

No one likes to make a call and be put on hold, but when waiting is required, the Task Force recommended using this wait time to educate and inform the public through specific messaging. The Task Force provided this recommendation to court leaders through email, meetings, and during a statewide judicial conference, along with draft language courts could modify with local details. See Appendix 3.

- 10. The Task Force recommended preparing a court employee guide to responding to disinformation. In concept, the guide would alert front-line staff to recognizing disinformation and provide guidelines for when responding would help clarify or counter disinformation and when responding would make the disinformation situation worse. The Task Force identified the AOC's internal education division, the National Center for State Courts, and the Conference of Court Public Information Officers as possible resources to create this content.*

Rather than wait for a disinformation event and respond to it, the Task Force sought proactive measures that could be taken to identify disinformation and to differentiate it from opinion. The Task Force recognized the unlikely scenario where a court's front-line staff or a supervisor is the individual designated to respond to disinformation on behalf of a judicial officer or a court. Thus, on further review, an employee guide geared toward identifying or responding to disinformation appeared less valuable than originally anticipated.

There is an enormous volume of material available online and via broadcast and publication that can ensure court employees can evaluate the difference between legitimate and questionable sources, assess motivations behind a

posting or publication, and determine whether the information, unchecked, may spread misinformation or disinformation about a court or a judicial officer.

Following further assessment, the Task Force believes educating court employees in identifying targeted, court-based disinformation and proper protocols upon its discovery would be desirable. Thus, the Task Force recommends including a disinformation-identification learning module in new employee and new judge orientations and as part of Arizona's continuing education programs. This recommendation was shared with Arizona's judicial leadership and with the AOC's Education Services division.

*11. The Task Force recommended that courts explore ways to allow the public and court staff to offer feedback on what they find troubling, misleading, or inaccurate about a court or its procedures. A designated court staff member, in consultation with judicial leadership,<sup>7</sup> should attempt to address legitimate concerns and use the opportunity to clarify the fundamental concept of the role of justice and courts in society. An anonymous submission option is recommended.*

Feedback and suggestions, from the public and from court employees, are critical and often overlooked outreach tools as a cost-effective way for a court to stay in touch with the pulse of its constituency.

When the public can readily contact the court and, where warranted, receive a resolution to their concerns, that simple act can correct confusing or inaccurate information, resolve or alleviate anger, and ensure court stakeholders feel heard and understood.

Court-based replies to public input can enable the court to develop and shape its communication, promote an accurate and thorough understanding of court procedures, policies, and events, and enable its customers to make more informed and practical decisions. In addition, court responses can support the dissemination of reliable, truthful information and prevent and build resistance to the threat of disinformation.

Employees who have an outlet for making their concerns known can feel more involved in the court's day-to-day operations, leading to a better work environment. In addition, recommendations received – more specifically, when obtained anonymously – enable the court to improve problem-solving, enhance innovation, promote team member participation, shed light on dishonest or illegal practices, and facilitate new perspectives and ways of thinking. A court could quickly initiate traditional physical suggestion boxes in the courthouse. For employees,

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<sup>7</sup> "Judicial leadership" here refers to an individual court or department's executives, such as the presiding judge, an elected clerk, directors, chief probation officers, or others.

physical suggestion boxes could be placed in breakrooms, near a timeclock, or at other general gathering areas of each department.

Quick Response, or QR code, encoded anonymous surveys are another recommended outreach tool. Members of the public and employees can easily enable their smartphone to reach the survey platform. A dedicated QR code can be produced on business cards and made available in high-traffic areas such as law libraries and court information desks. Posters with information and the QR link can be displayed in lobbies, jury rooms, and restrooms.

Finally, a newer tool for feedback, input, and communication is the online, virtual suggestion box. The Task Force identified several products which would enable a court to receive and register anonymous comments that could be easily submitted by anyone with an internet connection. Such platforms are employed by leading private organizations, the U.S. armed forces, and schools and universities nationwide, and support candid, private communication. Most platforms can be tailored to allow courts to respond to submitters without revealing the submitter's identity. Fields are customizable, protected, and secure, and can be adapted for access and monitoring by one or several court managers. Various companies offer virtual suggestion boxes, most have basic services available free of charge, with fee-based enhanced features available. An internet search for "virtual suggestion boxes" will locate many options.

*12. The Task Force recommended that the AOC create a court-based "playbook" incorporating the concepts in this Report. Like a continuity of operations plan, this playbook could include sample response language, templated "letters to the editor," guidance for social media postings, guidance on interacting with the media in response to a disinformation incident, and contact information for the AOC, NCSC, local bar associations, CCPIO, ABOTA, and others. Information from the playbook could be taught in judicial education classes and included in learning materials. Arizona's playbook should incorporate work done in this field by the NCSC and the ABA's 2018 publication, *Rapid Response to Fake News, Misleading Statements, and Unjust Criticism of the Judiciary*<sup>8</sup> which contains tips and recommendations for responding "rapidly and appropriately" to "inaccurate, unjustified, and simply false criticism of judges."*

The Task Force's playbook is another tool to help Arizona's courts combat or respond to disinformation. Left unchecked, disinformation undermines the integrity of courts, government, the constitution, and democracy. It can threaten the safety of judicial officers, court staff, and the public; fracture our communities; and reduce trust

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<sup>8</sup> <https://www.americanbar.org/content/dam/aba/administrative/american-judicial-system/2018-rapid-response-to-fake-news.pdf>



in court rulings, opinions, and the democratic process. Disinformation, allowed to advance unimpeded or unanswered, can affect the ability of courts to do their duty and harm the people who depend on court services. The playbook will provide information and suggestions for ensuring the public and the media can distinguish truth from fiction, build step-by-step resilience to the threat of disinformation, and give courts the resources to deliver practical, timely, targeted communication and responses to its stakeholders on the issues that matter most. Once it is complete, the AOC will maintain the playbook.

*13. The Task Force recommended incorporating information from the resources in this Report into an online and print mini guide to recognizing misinformation and disinformation as it applies to the judiciary. The mini guide should be made available at law libraries and public libraries, self-help centers, and through community partners. It should provide tips for researching and verifying information received through social media and daily news broadcasts and publications, online or otherwise. A helpful outline for developing a mini guide appears in Jeanne Mejeur's 2013 article, How to Score a Perfect 10.<sup>9</sup>*

Once equipped with information, people can make informed decisions. Condensing the Task Force's information and lessons learned into a single-page document will give the public enough information to decide whether to seek additional information and will provide some protective guidance. The Task Force created a one-page informational document in English and Spanish and a companion business card in English and Spanish that links to the one-page informational document. The materials will be maintained by the AOC and will be made available to law libraries, public libraries, and other community locations to supplement the judiciary's community outreach. See Appendix 4.

*14. The Task Force recommended that where individual courts can do so, they develop and implement court-wide standards and guidelines for court documents and communication, commonly called "branding" or "brand identity." Branding provides a consistent, unique collection of fonts, colors, and seals applied to court-provided communication. Branding makes fake or fraudulent documents and records easier to identify as inconsistent with court standards. A city or county's communications division can often help the court design its branding.*

For the reasons stated in the recommendation, the Task Force started creating branding guidelines that will be maintained by the AOC and made available to courts throughout the state. These materials will continue being updated and supplemented as the AOC's communications team develops new plans and strategies.

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<sup>9</sup> From the National Conference of State Legislatures: <https://www.ncsl.org/Portals/1/Testing%20the%20Credibility%20of%20Sources.pdf>

15. *The Task Force recommended that the AOC and individual courts add prominent language to standardized court forms and other court-produced documents directing people to verify information from official court records. For example, a header or footer with language such as: “To verify the accuracy of this document, contact the court named above/below.”*

The Task Force recommended prominent language on forms and documents to counteract the occurrence of fraudulent documents and to remind the public that the courts are the custodians of original and official court records. The Task Force made this recommendation to court leaders through email, meetings, and during a statewide judicial conference, providing draft language courts could modify for local details. See Appendix 5.

16. *The Task Force recommended a change to Rule 2.10(E):<sup>10</sup> Subject to the requirements of paragraph (A), a judge may respond directly or through a third party to allegations in the media or elsewhere concerning the judge’s conduct in a matter or to false, misleading, or unsubstantiated allegations or attacks upon the judge’s reputation from whatever source in writing, via social media or broadcast media or otherwise.*

Like many jurisdictions around the nation, Arizona’s judicial officers were long held to an expectation that they would not comment about cases that were pending before the court or that could come before the court. Recommendations 16, 17, and 19 addressed this expectation directly in the context of misinformation and disinformation. The proposed changes were intended to allow judicial officers to correct inaccurate information upon discovering it, while protecting due process and justice in ongoing cases. The Arizona Supreme Court adopted the Task Force’s proposed rule and comment changes on August 25, 2021, with a January 1, 2022 effective date.

In addition to adopting the Task Force’s recommended language, the Court renamed Rule 2.10 “Judicial Statements,” deleting the phrase “on Pending and Impending Cases” to further clarify that judges may respond to false, misleading, or unfair allegations whenever they arise, so long as doing so does not violate other conduct rules. The changes clarified that judges could respond “in writing, via social media or broadcast media or otherwise” and that the ability to respond extended beyond the judge’s conduct in a matter “or to false, misleading, or unfair allegations or attacks upon the judge’s character or reputation.” See Appendix 6.

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<sup>10</sup> Arizona Code of Judicial Conduct (ACJC) Rule 2.10(E):  
<https://www.azcourts.gov/portals/137/rules/Arizona%20Code%20of%20Judicial%20Conduct.pdf>

*17. The Task Force recommended a change to Rule 2.10,<sup>11</sup> Comment 3: Depending upon the circumstances, the judge should consider whether it may be preferable for a third party, rather than the judge, to respond or issue statements in connections with allegations concerning the judge's conduct in a matter or to false, misleading, or unsubstantiated allegations or attacks upon the judge's reputation.*

In addition to changing the language of the rule, the Court approved the Task Force's recommendation to add to the comments following the rule, adding a statement that responding to allegations of a judge's conduct may serve to restore or maintain public confidence in the judiciary. The Arizona Supreme Court adopted the Task Force's proposed rule and comment changes on August 25, 2021, with a January 1, 2022 effective date.

*18. The Task Force recommended that a Rapid Response Team for responding to disinformation be coordinated through a law school clinic, bar association, or other entity familiar with court-related issues and that would be in contact with courts and judicial branch individuals, but with independent authority and controls. The recommended makeup of a Rapid Response Team would include attorneys; public, non-attorney members; academics; members of the media; court public information officers or the clerk, administrator, or other designee who fills this role; and retired judges; or other disciplines as appropriate.*

When misinformation or disinformation enters the public domain, time is of the essence in countering that information with accurate information. In a hyper-connected world, information can disperse virally, making it impossible to reach the same audience with accurate or corrective information. One way to address this reality is to maintain a group of individuals who can meet, confer, and act quickly in response to misinformation or disinformation. After consultation with the California Judges Association and their structure and practices, the Arizona Judges Association (AJA) agreed to establish a Rapid Response Team for Arizona's judiciary. The AJA will remain in contact with the AOC's public information officer (PIO) to identify and respond to disinformation. The AOC's PIO will remain in contact with the National Center for State Courts for updates and tracking.

*19. The Task Force recommended that a comment to Arizona Code of Judicial Conduct Rule 2.10 be published to provide guidance as to when and how such instances should be addressed.*

As noted in recommendations 16 and 17, the Task Force sought to include guidance in Arizona's judicial conduct codes for how judicial officers, elected clerks of court and judicial branch employees could respond to misinformation and disinformation. The Court ultimately approved conforming changes to Rules 1.2 and 2.10 of

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<sup>11</sup> ACJC Rule 2.10, Comment 3: <https://www.azcourts.gov/portals/137/rules/Arizona%20Code%20of%20Judicial%20Conduct.pdf>

the Arizona Code of Judicial Conduct, and to the Arizona Code of Judicial Administration as they apply to clerks of court and judicial branch employees.

Rule 1.2, “Promoting Confidence in the Judiciary,” is a single sentence and remained unchanged: “A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.” What changed was the addition of a comment following the rule, which was mirrored in the comment added to Rule 2.10:

A judge may respond to or issue statements in connection with allegations concerning the judge’s conduct in a matter or to false, misleading, or unfair allegations or attacks upon the judge’s character or reputation. Consistent with Rules 4.1 and 4.3 regarding judicial campaigns, a judge’s response or statement at any time that counters attacks on the judge’s actions, character, or reputation may serve to restore or maintain public confidence in the judiciary, subject to the requirements of Rule 2.10, paragraph (A).

Adding the comment to the rule acknowledges an unfortunate reality that when litigants, public officials, or others disagree with a judicial outcome, they increasingly attack the judge who issued the decision, rather than the legal reasoning behind the decision. The ability to counter these attacks with accurate information about the role of judges and the judiciary is fundamental to maintaining a functional democracy. Going forward, more judges could exercise their current ability to reduce these attacks by including statements in their decisions about the role of the executive and legislative branches in establishing and enforcing policy decisions, while the judiciary exercises judgment and upholds the Constitution.

For consistency within the judicial branch after the changes to the judicial code were approved, conforming changes were made to the Arizona Code of Judicial Administration as they apply to elected clerks of court and to judicial branch employees. Those conforming changes were approved by the Arizona Judicial Council in November 2021, and took effect by Administrative Order of the Court, entered on November 10, 2021. See Appendix 7.

*20. The Task Force recommended that the AOC encourage the NCSC to investigate the possibility of establishing a multi-state Local/National Disinformation Study Network consisting of cooperating groups from several states.*

From the Task Force’s experience over a two-year term, misinformation and disinformation targeting the judiciary is expected to continue and increase. Partnering with a national organization that is connected to individual courts and court systems around the country would compound the effectiveness of a coordinated approach and response. The Task Force confirmed with the NCSC that Arizona remains available to coordinate and participate in further misinformation and disinformation studies.

*21. The Task Force recommended that the AOC extend its partnership with the NCSC and establish a workgroup specifically tasked to work with them in this critical endeavor.*

In conjunction with recommendation 20 about further study of disinformation, the Task Force encouraged the AOC to remain a point of contact for Arizona’s courts in countering disinformation. The Task Force confirmed with the NCSC that Arizona remains available to coordinate and participate in a workgroup tasked with further review of misinformation and disinformation issues, locally and nationally.

*22. The Task Force recommended that the AOC partner with ABOTA in countering disinformation in Arizona’s courts.*

In addition to the Rapid Response Team that formed in Arizona, the AOC is a logical resource for providing accurate judicial branch-based information in response to misinformation and disinformation. The Task Force identified an Arizona contact for ABOTA and ACTL. In September 2021, a judicial decision in a controversial issue drew criticism from a separate branch of government. The judicial branch did not respond to the criticism or coordinate a response. Although criticism and differences of opinion are encouraged, the Arizona State Committee of ACTL issued a statement in response to the criticism’s characterization of a judge, calling instead for respectful disagreement in political discourse.

*23. The Task Force recommended that members stay involved in the work required to bring the NCSC, ABOTA, and Arizona’s courts together in establishing and pursuing these efforts.*

Despite the Task Force ending its formal work with the publication of this report, misinformation and disinformation will continue. Individual Task Force members volunteered to stay involved in proactively educating and informing the media and public and in countering disinformation. Examples include the Rapid Response Team efforts of the Arizona Judges Association, authoring statements encouraging respectful discourse, and taking part in community outreach efforts.

*24. The Task Force recommended that it continue monitoring the ongoing technology developments and long-term solutions for identifying and countering disinformation campaigns.*

A critical step in countering disinformation is the ability to identify it before it spreads and to identify trends in attacks against judges and courts. Because no individual can successfully monitor everything being said or published, technology will be needed to address this gap. A Task Force workgroup continually monitored technology for software, applications, and other resources that might help courts identify disinformation campaigns and trends. While there has been some progress in this area, it appears to remain limited to corporate and military applications<sup>12</sup>, with functionality not geared toward the judiciary and with price structures out of reach for most courts<sup>13</sup>. The Task Force remains hopeful that judicial branch-specific technology will emerge at a cost that allows court systems to identify disinformation campaigns early enough to effectively counter them.

*25. The Task Force recommended that the AOC, and individual courts, where applicable, establish an opt-in system for the public to provide contact information such as email addresses or a phone number for text messages, thus enabling courts to more easily share information and correct misinformation or disinformation.*

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<sup>12</sup> E.g., Patrick Tucker, “Can AI Detect Disinformation? A New Special Operations Program May Find Out,” Defense One (Oct. 2, 2020) (available at <https://www.defenseone.com/technology/2020/10/can-ai-detect-disinformation-new-special-operations-program-may-find-out/168972/>) (reporting on a software tool being developed under a research contract for the U.S. Air Force and Special Operations Command to use a neural net to counter disinformation); see also Joen Coronel, “Microsoft Collaborates With Intel, BBC, and Other Media; Tech Giants to Combat Misinformation,” Tech Times (Feb. 23, 2021) (available at <https://www.techtimes.com/articles/257329/20210223/microsoft-collaborates-intel-bbc-media-tech-giants-combat-misinformation.htm>) (reporting on the formation of the Coalition for Content Provenance and Authenticity (C2PA) by participating tech and media corporations to fight misinformation in online content).

<sup>13</sup> See generally Sarah Kreps, “The Role of Technology in Online Misinformation,” Brookings Institute, at 7 (June 2020) (available at <https://www.brookings.edu/wp-content/uploads/2020/06/The-role-of-technology-in-online-misinformation.pdf>) (“Malicious actors looking to spread misinformation and those trying to counter it are involved in a cat-and-mouse game, in which counter-measures lead to modifications of the original approach and inevitable challenges arise in addressing the source of misinformation.”); see *id.* (noting the problem of false positives in using an experimental Chrome-based browser neural-net tool that “gave a low likelihood that excerpts from James Joyce’s “Ulysses” and a Donald Trump speech were real”); see also Greg Noone, “AI vs. Misinformation: Fighting Lies with Machines,” Techmonitor, June 10, 2021 (available at <https://techmonitor.ai/technology/ai-and-automation/ai-vs-misinformation-fighting-lies-machines>) (discussing that “using AI in thwarting misinformation . . . is fiendishly difficult to put into practice”; “[e]ven asking an artificially intelligent program to suss out these kinds of articles with more success than failure is a tall order,” quoting Professor Sam Woolley, project director for propaganda research at the Center for Media Engagement at UT Austin”). Emerging technological solutions can help under conditions in which a benchmark can be established by which to compare accurate information against identified categories of misinformation (such as with medical information) – but unlike, for example, health agencies, misinformation and disinformation relating to courts may not fall into readily identifiable categories that can be anticipated and subjected to readily available benchmarks. Compare, e.g., Ben Miller, “Can Technology Help Weed Out Disinformation Online?” Government Technology (July/August 2021) (available at <https://www.govtech.com/products/can-technology-help-weed-out-disinformation-online>) (discussing, among other things, Virginia Department of Health’s use of *AlphaVu* product to help identify misinformation about COVID-19), with *id.* (discussing Maricopa County’s Chief Information Officer’s use of social media monitoring tools rather than specific misinformation identification tools); see also *id.* (discussing that “the problem is too thorny to be easily solved with automation”; “I think the appeal of just buying some technological system that you think will help you seems [like] something that is hard to turn down. But I think . . . the solution is more than just an algorithm,” quoting Tara Kirk Sell, Senior Scholar at the Johns Hopkins Center for Health Security, who studies misinformation and disinformation).

Courts should strive to meet the public where the public expects to interact with the courts. This meeting place has not been limited to a physical courthouse for many years, a fact that was only accelerated by the pandemic that began in 2020. Arizona's AOC established a system for the public to opt-in to receive news and other information from the judicial branch, plus social media outreach. Other courts are doing or considering similar outreach. These connections promote courts' ability to stay in contact with the public and provide an avenue for quickly countering disinformation if the need arises.

*26. The Task Force recommended that the AOC approach an Arizona Executive Branch agency by March 2021 to secure a commitment that they compile publicly-available registration information from the USDOJ and publish Arizona-related information to that state agency's website. The Task Force identified the Arizona Department of Homeland Security and the Department of Public Safety as potential agencies to post this information, as both are statewide agencies responsible for monitoring and protecting the state's security interests. The Arizona Secretary of State's office was identified as another option, given its statewide responsibilities for elections and registering lobbyists.*

In its initial term, the Task Force reviewed the Foreign Agents Registration Act (FARA) as a potential source for identifying bad actors who would create or promote disinformation against the American judicial branch. Locating registered agent information and providing it to the public was considered a potential avenue for identifying disinformation attacks. The Task Force contacted the Arizona Department of Homeland Security, which in turn contacted the Arizona Department of Public Safety to further review what information could be drawn down, if any, and whether the effort to maintain such a process was practical, given the public demand and potential for actionable information. After considering who registers under FARA and how disinformation is actually spread, this recommendation was determined to be impractical.

*27. The Task Force recommended that the term of Arizona's Task Force on Countering Disinformation be extended through December 2021.*

The Task Force's term was extended for the 2021 calendar year to complete its review and implementation of its recommendations. This Concluding Report summarizes the outcomes of the Task Force's additional review and implementation.

### **III. Conclusion**

The conclusions from the Task Force’s October 2020 Report citing the NCSC’s 2019 annual *State of the State Courts* survey,<sup>14</sup> remain: Americans are “increasingly distrustful of many pillars of our society, including government,” and admit to a “decreased confidence in all levels of the court system.” Thus, the proposed solutions from the 2020 Report remain the recommended course of action for courts:

*Courts must actively inform the public about court processes and procedures. Recognizing the power and influence of online information, courts can help the public make better-informed decisions about what they encounter online, and to be more critical consumers of online content.*

*Courts must do better explaining rulings, procedures, and requirements so those who are unaware of the nuances of the law do not disparage the court, or an individual judge’s integrity, based solely on the outcome of a matter. Courts must use their untapped or unexplored resources in responding to or rejecting inaccurate criticism of courts or the judiciary while respecting the expression of individual opinions and the exercise of First Amendment rights. This balanced approach encourages constructive criticism that can improve the judicial system while guarding against campaigns intended to do harm.*

*Courts must recognize that their societal role as unbiased, impartial, and fair arbiters of the law requires consistent, truthful, accurate messages. Courts must also ensure that their audience – litigants, reporters, and the public – understand their communication. Nuanced legal issues and specific obligations and restrictions placed on the judiciary through laws, rules, codes, and canons must be clearly explained.*

Differences of opinion and disagreement remain between the judicial branch and individuals and interest groups. The need to continue civil debate and to pursue improvements to the judiciary, such as merit selection of judges, publicly reporting data, jury reforms, and access to justice, also remain. Through improved and additional outreach, clearer and more prevalent communication from courts, better recognition of misinformation and disinformation, and faster responses to misinformation and disinformation, Arizona’s judicial branch is poised to interact more effectively with the communities it serves.

Disinformation does not end with the end of the Task Force’s term or with the publication of this report. The underlying causes of misinformation and disinformation remain a concern for Arizona’s judiciary and for courts around the nation. The Task Force encourages the AOC to view the issues included in this report as an ongoing need for review and action and for continuing coordination with Arizona’s courts and stakeholders.

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<sup>14</sup> [www.ncsc.org/survey](http://www.ncsc.org/survey)



The Arizona Supreme Court's Task Force on Countering Disinformation extends its thanks to AOC Director David Byers for proposing the Task Force, to Arizona Supreme Court Chief Justice Robert Brutinel for establishing the Task Force in 2019, and to all those who participated in the Task Force's efforts over the last two years. Input from public members, Task Force members, Arizona's court leaders and survey participants, public and private sector experts, communications experts, and others contributed to recommendations promoting public trust and confidence in courts. Maintaining the public's shared values of the importance of a fair and independent judiciary improves American resilience against those who oppose the ideals of democracy and justice.

## Appendices 1 – 7

**Countering Disinformation Task Force  
2021 Concluding Report**

**Appendix 1: Table of Categories Content**

<b>Broad category</b>	<b>Individual recommendations #</b>
<b>Recommendation 1:</b> Redesign the Our Courts Arizona (“OCA”) interactive civics program, nominate a court liaison to Arizona’s K-12 statewide educational program committee(s) and expand the judicial branch’s community outreach	1, 2, 3, 4, 7, 8, 9, 10, 14
<b>Recommendation 2:</b> Establish in-person and web-based court contacts and outreach to help the public and the media understand the role of the court and the function of the judicial branch, and to help counteract and respond to disinformation at the local level	5, 6, 7, 8, 11, 12, 13, 15, 25
<b>Recommendation 3:</b> Modify the Arizona Code of Judicial Conduct to specifically address personal attacks against judges.	16, 17, 19
<b>Recommendation 4:</b> Establish a “Rapid Response Team” to address situations where disinformation targeting a judicial branch individual, a court, or a court system occurs and publish a comment to the Arizona Code of Judicial Conduct Rule 2.10 to provide guidance as to how and when such instances should be addressed.	18, 22
<b>Recommendation 5:</b> Establish a Local/National Disinformation Study Network for further analysis	20
<b>Recommendation 6:</b> Establish a national, centralized point of contact to assist in identifying disinformation and having it flagged or, if warranted, removed while respecting the expression of individual opinions and the exercise of First Amendment rights	21, 23
<b>Recommendation 7:</b> Monitor technology and resources that can identify disinformation campaigns early enough to counter them with accurate information and gather public contact information to improve courts’ outreach and responsiveness	24
<b>Recommendation 8:</b> Make federal public information available in Arizona regarding registrations as foreign agents under the Foreign Agents Registration Act, 22 USCA § 611, et. seq. (“FARA”).	26
<b>Recommendation 9:</b> Extend the term of the Task Force on Countering Disinformation through December 2021	27

# Countering Disinformation Task Force 2021 Concluding Report

## Appendix 2: Survey

### Countering Disinformation Task Force, Workgroup #1 – Court Survey Recommendations

**Purpose:** Gather information on each court's ability to post messages on websites and social media in time-sensitive situations and identify primary contact for court Public Information Officer (PIO) functions.

**Email from AOC:**

On behalf of Chief Justice Robert Brutinel, please complete the three-question court outreach survey linked below no later than Friday, June 11, 2021. The survey comes from the Court's Task Force on Countering Disinformation and the results will be discussed at next month's Judicial Conference. One response is requested from each court, each clerk of the superior court's office, and from the adult probation chiefs and juvenile probation directors.

Survey: [url]

**Survey content:**

Individual Court Name or Dept. \_\_\_\_\_

Survey Contact name, position, phone #, & email \_\_\_\_\_

- 1) Court websites/pages and social media accounts can be used to share official information, and promote and amplify official court messages. Can your court get an emergency or time-sensitive message posted to your Court's website/page within an hour?  
\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ I don't know \_\_\_\_ My court does not have a website or webpage  
\_\_\_\_ Explain/Other \_\_\_\_\_
- 2) Although it would be best for courts to have their own official court social media accounts, many courts don't have these yet. If your court does not have an official court social media site, could your court get an emergency or time-sensitive message posted to your county or city/town social media site?  
\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ I don't know \_\_\_\_ Explain/Other (available regardless of response)

If Yes: (populates if yes is selected)

What is that process for your court or department: \_\_\_\_\_

What are the social media handles/URLs of the county or city/town site(s) that can be used for court or department messages: \_\_\_\_\_

- 3) Who is your court or department's designated primary person to perform Public Information Officer (PIO) functions, i.e., media releases, media inquiries?  
Name \_\_\_\_\_ Position \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_ Official Court social media handles/ URLs, even if currently not in use \_\_\_\_\_

Thank you for taking the time to complete the survey.

Court Survey for concluding report

# Countering Disinformation Survey

Tuesday, June 15, 2021

# 73

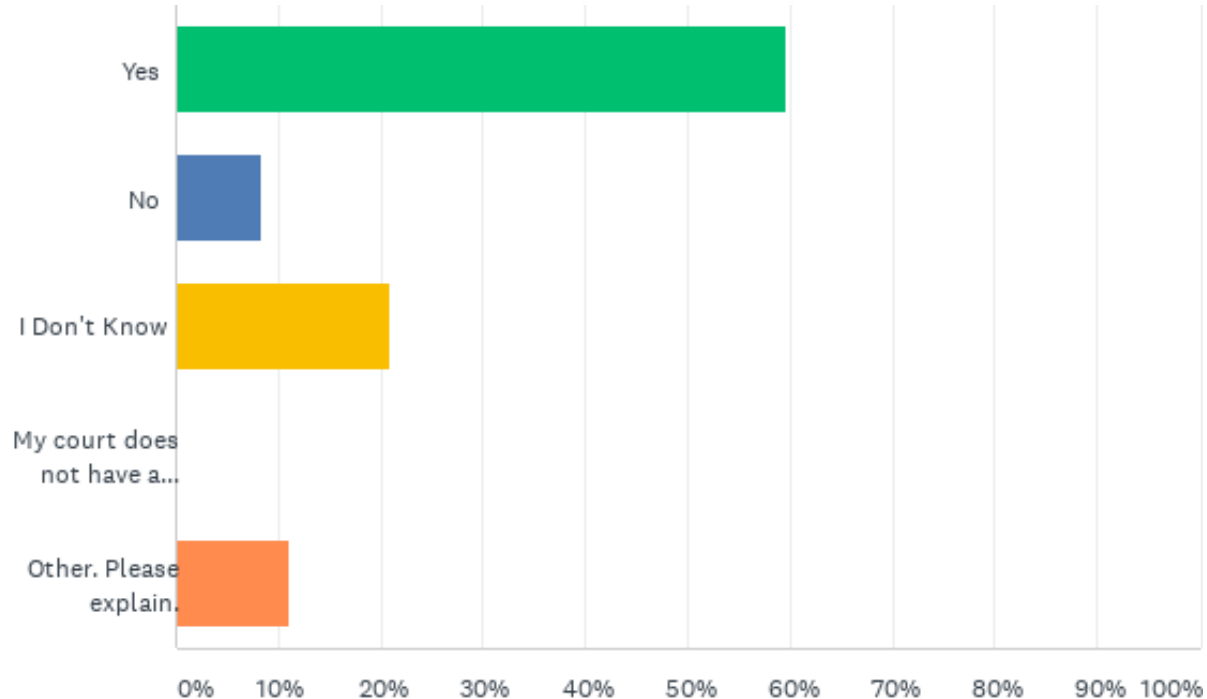
**Total Responses**

Date Created: Tuesday, May 25, 2021

Complete Responses: 73

Q3: Court or department websites/pages and social media accounts can be used to share official information, and promote and amplify official messages. Can your court or department get an emergency or time-sensitive message posted to your Court's or department's website/page within an hour?

Answered: 72 Skipped: 1



Q3: Court or department websites/pages and social media accounts can be used to share official information, and promote and amplify official messages. Can your court or department get an emergency or time-sensitive message posted to your Court's or department's website/page within an hour?

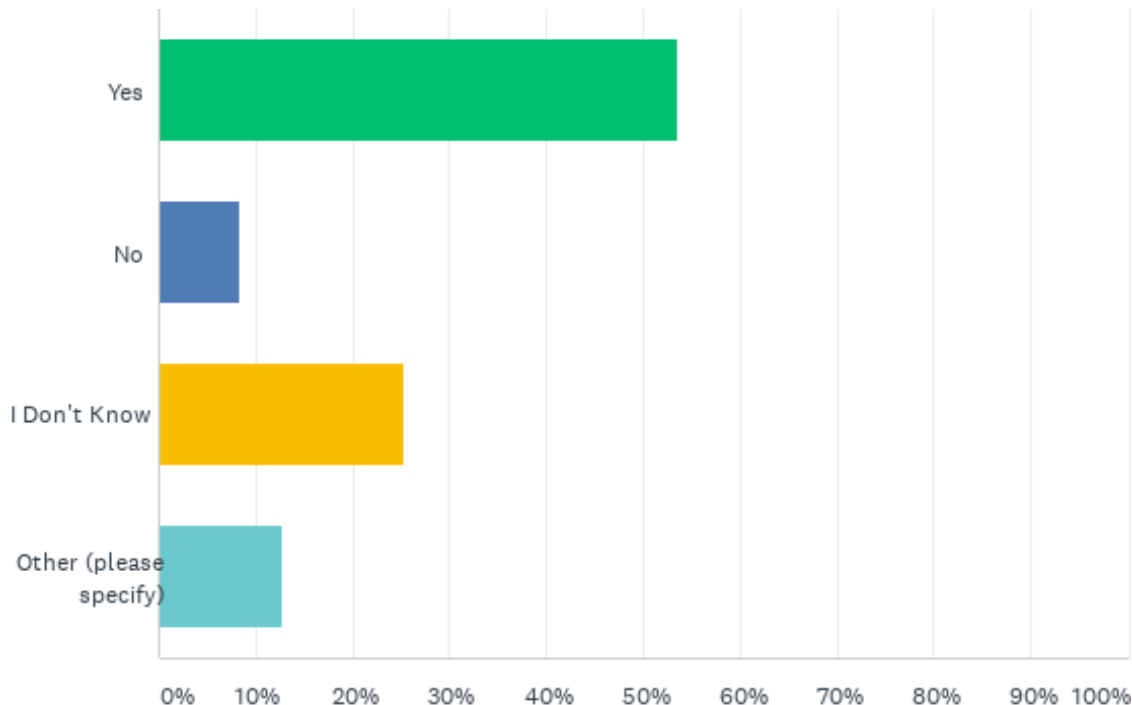
Answered: 72 Skipped: 1

ANSWER CHOICES	RESPONSES	
Yes	59.72%	43
No	8.33%	6
I Don't Know	20.83%	15
My court does not have a website or webpage	0.00%	0
Other. Please explain.	11.11%	8
TOTAL		72



Q4: Although it would be best for courts to have their own official court social media accounts, many courts don't have these yet. If your court or department does not have an official social media site, could your court or department get an emergency or time-sensitive message posted to your county or city/town social media site?

Answered: 71 Skipped: 2



Q4: Although it would be best for courts to have their own official court social media accounts, many courts don't have these yet. If your court or department does not have an official social media site, could your court or department get an emergency or time-sensitive message posted to your county or city/town social media site?

Answered: 71 Skipped: 2

ANSWER CHOICES	RESPONSES	
Yes	53.52%	38
No	8.45%	6
I Don't Know	25.35%	18
Other (please specify)	12.68%	9
TOTAL		71

## Countering Disinformation Task Force 2021 Concluding Report

### Appendix 3: On-hold messages

*For courts that can record on-hold messages, the following script is recommended. Courts are welcome to use some or all of the following message or use the content as inspiration for other community messages.*

Thank you for calling the [court name], located at [address].

We are helping other customers at this time, but someone will be with you soon.

Your estimated wait time is \_\_\_\_\_ minutes. *(If there is technology that allows the court to estimate the wait time, this would be a helpful place to add it.)*

Our business hours are [business days and hours], excluding court holidays. Directions, court forms, information about jury service, and much more can be found on our website [spell out website address]. Again, that's [spell out website address].

Did you get a call, text message, or email saying you missed court or failed to appear for jury service and you must arrange payment to avoid being arrested? That's wrong! Did someone who said they were a court official tell you a loved one is in jail and you need to arrange to pay their bail right away? That's very likely a lie! Did you get what looks like a court communication that you weren't expecting, asking you to provide private or personal information? Check before you respond!

Scammers come in all shapes and sizes, but they have a common desire: they want your money or your personal information. Don't give it to them.

Make sure you recognize the texter, e-mail sender, or caller from previous court interactions. Or, contact the court directly to confirm such requests are legitimate using a telephone number you find from a trusted source like the court's website or a phone book - don't use a phone number or e-mail address the scammers give you and don't click on links if you're not sure of the sender.

The [name of court] offers this information to help protect our community. Please contact us immediately at [email, phone number specifics] to check on a suspicious document, communication, or to report a suspected scam.

# Disinformation, Misinformation, & Fake News

Disinformation, misinformation, and fake news promotes disagreement and conflict, creates distrust, and weakens the democratic process. In more extreme cases, it encourages violence and creates permanent damage to society.

**Disinformation** is false, inaccurate, or confusing information intentionally spread to mislead or manipulate others.

**Misinformation** is false, inaccurate, or confusing information shared without the intent to mislead or manipulate.

**Fake News** involves false news stories - the information is made up, with no provable sources, facts, or quotes.

**None of the above include satire, parody, criticisms, complaints, or protests of government actions, agencies, or processes.**

How can you spot or stop the spread of disinformation, misinformation, and fake news?



*"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."*

— Chief Justice Robert Brutinel



## Analyze and Research

- ✓ Is it fact, opinion, entertainment, education, or something else?
- ✓ Is the data real and did you check the facts and sources?
- ✓ Is the headline trying too hard to get your attention?
- ✓ Is the information current?
- ✓ Search the author's background to see if they are qualified.

**Ask:** Are they trying to sell something or influence you?  
Are they subject matter experts?



## Check Facts and Sources

- ✓ Investigate the story.
- ✓ Don't share information if you don't know its source.
- ✓ Check the website address. .gov and .edu sites tend to be more trustworthy.
- ✓ Consider using non-political, not-for-profit fact checking sites.
- ✓ Ask a librarian or law librarian for help.



## Consider Bias

Bias is a belief, attitude, or prejudice in favor of or against a thing, person, issue, or group.

**Ask:** Does the information and data provide only one position and leave out balanced facts and context?



For more information visit the Arizona Supreme Court's Countering Disinformation Task Force webpage at <https://www.azcourts.gov/cscommittees/Task-Force-on-Countering-Disinformation/Resources>

# Desinformación, información errónea y noticias falsas

La desinformación, la información errónea y las noticias falsas fomentan el desacuerdo y conflicto, suscitan el recelo y debilitan el proceso democrático. En los casos extremos, promueven violencia y dañan a nuestra sociedad de forma permanente.

**Desinformación**, ésta se refiere a información falsa, imprecisa o confusa que se difunde de forma intencional con el fin de engañar o manipular a los demás.

**Información errónea**, ésta se refiere a información falsa, imprecisa o confusa que se comparte sin intención de engañar o manipular.

**Noticias falsas**, éstas son informes falsos - se ha inventado la información sin contar con ninguna fuente, cita ni hecho comprobable.

**Nada de lo antes mencionado incluye la sátira, parodia, crítica, quejas ni protesta a las medidas, agencias o procesos gubernamentales.**

¿Cómo puede identificar o parar la difusión de desinformación, información errónea y noticias falsas?



*"Los tribunales de Arizona reconocen que existen personas, organizaciones e intereses externos que incitan o siembran información errónea intencionalmente utilizando las plataformas de redes sociales, bots y herramientas de inteligencia artificial con la meta de socavar la confianza de la ciudadanía en las instituciones gubernamentales, incluyendo los tribunales."*



## Investigue y analice

- ✓ ¿Se trata de un hecho, opinión, entretenimiento, algo educativo o algo distinto?
- ✓ ¿Es verdadera la información y usted ha verificado los hechos y las fuentes?
- ✓ ¿Es demasiado llamativo el titular?
- ✓ ¿Es actual la información?
- ✓ Averigüe sobre la experiencia del autor para ver si es competente.  
**Pregunte:** ¿Intentan venderle algo o influirle de alguna manera?  
¿Son expertos en el tema?



## Revise hechos y fuentes

- ✓ Investigue la historia.
- ✓ No comparta información si desconoce su fuente.
- ✓ Mire la dirección de la página web. Las páginas que terminan con .gov y .edu suelen ser más fiables.
- ✓ Considere utilizar sitios web de verificación de información que no sean de ningún partido político y sin fines de lucro.
- ✓ Pida ayuda de un bibliotecario o



## Tome en cuenta cualquier parcialidad

La parcialidad es una creencia, actitud o prejuicio a favor o en contra de una cosa, persona, asunto o grupo.

**Pregunte:** ¿La información y los datos sólo muestran una postura y excluyen algunos hechos y el contexto?



Para obtener más información diríjase a la página web del Equipo Especial contra la Desinformación de la Corte Suprema de Arizona en <https://www.azcourts.gov/cscommittees/Task-Force-on-Countering-Disinformation/Resources>

## **Countering Disinformation Task Force**

### **2021 Concluding Report**

#### **Appendix 5: Forms language recommendation**

*Where space and policies allow, the AOC and individual courts and departments are encouraged to add prominent language to standardized court forms and other court-produced documents directing people to verify information from official court records. For example, a header or footer with the following language:*

“To verify the accuracy of this document, contact the [court, clerk’s office, probation department] named [above] [below] [at (website URL, phone number, other)].”

Countering Disinformation Task Force  
2021 Concluding Report

Appendix 6: Rule 81

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-21-0001
RULE 81, RULES OF THE SUPREME	)	
COURT	)	
	)	
	)	
	)	
	)	<b>FILED 08/30/2021</b>

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**ORDER AMENDING RULES 1.2 AND 2.10  
OF THE ARIZONA CODE OF JUDICIAL CONDUCT,  
RULE 81 OF THE RULES OF THE SUPREME COURT OF ARIZONA**

On January 4, 2021, Aaron Nash, on behalf of the Arizona Supreme Court Task Force on Countering Disinformation, filed a rule petition proposing to amend Rules 1.2 and 2.10 of the Arizona Code of Judicial Conduct, Rule 81 of the Rules of the Supreme Court of Arizona. Having considered the petition and the comment submitted concerning the petition,

**IT IS ORDERED** amending Rules 1.2 and 2.10 of the Arizona Code of Judicial Conduct, Rule 81 of the Rules of the Supreme Court of Arizona, in accordance with the attachment to this order, effective January 1, 2022.

DATED this 30th day of August, 2021.

\_\_\_\_\_  
/s/  
ROBERT BRUTINEL  
Chief Justice

Arizona Supreme Court No. R-21-0001

Page 2 of 4

TO:

Rule 28 Distribution

Aaron Nash

Margaret H Downie



## ATTACHMENT<sup>1</sup>

### RULES OF THE SUPREME COURT OF ARIZONA

#### Rule 81. Arizona Code of Judicial Conduct

\* \* \*

##### Rule 1.2. Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

##### Comment

1. – 6. [No change]

7. A judge may respond to or issue statements in connection with allegations concerning the judge's conduct in a matter or to false, misleading, or unfair allegations or attacks upon the judge's character or reputation. Consistent with Rules 4.1 and 4.3 regarding judicial campaigns, a judge's response or statement at any time that counters attacks on the judge's actions, character, or reputation may serve to restore or maintain public confidence in the judiciary, subject to the requirements of Rule 2.10, paragraph (A).

\* \* \*

##### Rule 2.10. Judicial Statements ~~on Pending and Impending Cases~~

(A) A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.

(B)–(D) [No change]

(E) Subject to the requirements of paragraph (A), a judge may respond directly or through a third party in writing, via social media or broadcast media or otherwise to allegations in the media or elsewhere concerning the judge's conduct in a matter or to false, misleading, or unfair allegations or attacks upon the judge's character or reputation.

##### Comment

1. – 2. [No change]

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<sup>1</sup> Additions to the text of the rule or comment are shown by underscoring and deletions of text are shown by ~~strike-through~~.

3. Depending upon the circumstances, the judge should consider whether it may be preferable for a third party, rather than the judge, to respond or issue statements in connections with allegations concerning the judge's conduct in a matter or to false, misleading, or unfair allegations or attacks upon the judge's character or reputation. Consistent with Rules 4.1 and 4.3 regarding judicial campaigns, a judge's response or statement at any time that counters attacks on the judge's actions, character, or reputation may serve to restore or maintain public confidence in the judiciary, subject to the requirements of paragraph (A).

Appendix 7: ACJA

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 1: Judicial Branch Administration**  
**Chapter 3: Judicial Officers and Employees**  
**Section 1-303: Code of Conduct for Judicial Employees**

**A. through C. [No changes]**

**D. Conduct Rules and Comments.**

**CANON 1**

**A JUDICIAL EMPLOYEE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.**

**RULE 1.1 [No changes]**

**RULE 1.2**

**Promoting Confidence in the Judiciary**

A judicial employee shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

**Comment**

1. The fundamental attitudes and work habits of individual judicial employees reflect on the integrity and independence of the judiciary and are of vital importance in maintaining the confidence of the public in the judiciary. Honesty and truthfulness are paramount.

2. Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both professional conduct and personal conduct that affects the public perception of the court.

3. A judicial employee should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the code.

4. Conduct that compromises or appears to compromise the independence, integrity, and impartiality of the judiciary or of a judicial employee undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, this rule is necessarily cast in general terms.

5. Actual improprieties include violations of law, court rules or provisions of this code. The test for appearance of impropriety is whether the conduct would create in reasonable

minds a perception that the judicial employee violated this code or engaged in other conduct that reflects adversely on the judicial employee's honesty, impartiality, temperament, or fitness. A judicial employee's personal and family circumstances are generally not appropriate considerations on which to presume an appearance of impropriety.

6. Consistent with other requirements and following consultation with a supervisor, an employee may address false, misleading, or unfair allegations or attacks on the employee's actions, character, or reputation in a manner that serves to restore or maintain public confidence in the judiciary. Judicial employees designated by judicial leadership to do so, may respond to or issue statements on behalf of a court or judicial officer, subject to Rule 81, Rules of the Supreme Court, Arizona Code of Judicial Conduct, Canon 2, Rule 2.10(E).

**RULE 1.3 – End [No changes]**

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 1: Judicial Branch Administration**  
**Chapter 3: Judicial Officers and Employees**  
**Section 1-308: Code of Conduct for Clerks of Superior Court**

**A. through C. [No changes]**

**D. Conduct Rules and Comments.**

**CANON 1**

**A CLERK OF SUPERIOR COURT SHALL UPHOLD AND PROMOTE THE  
INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE OFFICE AND THE  
JUDICIARY AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF  
IMPROPRIETY.**

**RULE 1.1 [No changes]**

**RULE 1.2**

**Promoting Confidence in the Judiciary**

A clerk of superior court shall act in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

**Comment**

1. The fundamental attitudes and work habits of clerks of superior court reflect on the integrity and independence of the judiciary and are of vital importance in maintaining the confidence of the public in the judiciary. Honesty and truthfulness are paramount.

2. Public confidence in the judiciary and office of clerk of superior court is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both professional conduct and personal conduct that affects the public perception of the judiciary and the office of clerk of superior court.

3. A clerk of superior court should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions imposed by the code.

4. Conduct that compromises or appears to compromise the independence, integrity, and impartiality of the judiciary or of a clerk of superior court undermines public confidence in the judiciary and the office of clerk of superior court. Because it is not practicable to list all such conduct, this rule is necessarily cast in general terms.

5. Clerks should participate in activities that promote ethical conduct among clerks, judges and lawyers, support professionalism within the judiciary and the legal profession, and promote access to justice for all.

6. Actual improprieties include violations of law, court rules or provisions of this code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the clerk of superior court violated this code or engaged in other conduct that reflects adversely on the clerk's honesty, impartiality, temperament, or fitness. A clerk of superior court's personal and family circumstances are generally not appropriate considerations on which to presume an appearance of impropriety.

7. A clerk may respond to or issue statements in connection with allegations concerning the clerk's conduct in a matter or to false, misleading, or unfair allegations or attacks upon the clerk's reputation. Consistent with other requirements, a clerk's response or statement at any time that addresses attacks on the clerk's actions, character, or reputation may serve to restore or maintain public confidence in the judiciary. When designated to do so, clerks may respond to or issue statements on behalf of a court or judicial officer as a third party, subject to Rule 81, Rules of the Supreme Court, Arizona Code of Judicial Conduct, Canon 2, Rule 2.10(E).

**RULE 1.3 – End [No changes]**