



Information/ Disinformation

SEPTEMBER 8, 2022

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Presenters



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Session Overview

- Defining “Disinformation” and “Misinformation”
- How Disinformation Impacts the Judiciary
- NCSC’s Work Combating Disinformation
- Arizona Supreme Court’s Task Force on Countering Disinformation
- NCSC’s Disinformation Resource for Courts
- Survey Questions



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How Information Impacts Society

- According to the Pew Research Center, **1 in 5 Americans** receives their **daily news** intake from **social media** platforms.
- In that same survey, **64% of adults** said **“fake news”** caused **confusion on basic facts** and **23%** said they had **shared “fake news,”** either knowingly or unknowingly.



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Polling! Round One!

- **Q1:** Do you feel that your court's leadership accurately understands the terms "misinformation" and "disinformation?"



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Disinformation vs. Misinformation

- **Disinformation** is false information deliberately and often covertly spread (as by the planting of rumors) to influence public opinion or obscure the truth. It is often used by a government or organization to rival power or the media. It is deliberately false and deliberately spread.
- **Misinformation** is false information that is spread, regardless of intent to mislead. Oftentimes, people will share information, not knowing or verifying if it is correct.
- **Both are false information; intent separates the terms.** Disinformation is deliberately intended to mislead, and misinformation is misleading with negligence being the main culprit, not verifying or fact-checking before spreading.



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NCSC's Work Combating Disinformation

- 2019
 - [“Beyond the Ballot: How the Kremlin Works to Undermine the U.S. Justice System”](#)
Report Released by the Center for Strategic and International Studies.
 - NCSC President Mary McQueen called social media disinformation campaigns “the biggest attacks that we’ve seen on the judicial system” at planning workshop in Washington D.C.
- 2020
 - Conducted several virtual training for court officials, educating them to recognize and counteract disinformation campaigns.
 - First Edition: “Combating Disinformation: A Playbook Template for State Courts.”



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Polling! Round 2!

- **Q2:** How concerned are you that misinformation and disinformation may impact you or your court?



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Common Disinformation Themes About the Judiciary

- The justice system tolerates, protects and covers up crimes committed by immigrants.
- The justice system operationalizes the institutionally racist and corrupt police state.
- The justice system directly supports and enables corporate corruption.
- The justice system is a tool of the political elite.



• @Blactivists – *Maybe the criminal justice system from start to finish is seriously racist? The government is blind and deaf.*



• @BleepThePolice – *The American (in)justice system does not need a few tweaks, but it needs to be completely overhauled.*



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How Disinformation Impacts the Judiciary

- Left unchecked, **disinformation can threaten the safety of judicial officers**, court staff and the public; **fracture our communities**; and **reduce trust** 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.



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Arizona's Task Force on Countering Disinformation



Started with 2019 NCSC event with Center for Strategic and International Studies (CSIS).

Met throughout 2020 and published first report of 27 recommendations in 9 broad categories in 2020.

Met throughout 2021 to implement the recommendations, followed by concluding report in 2022.



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“What examples or proof do you have of a Russian disinformation attack against an Arizona court or judge?”

Done right, there is no direct connection from St. Petersburg to Phoenix.

Take a fringe conspiracy theory, expand and promote it on social media through phony accounts, and it comes back as an echo chamber of agreement.

TheRobingRoom.com

- Public comment: “I’ve posted real stories about real judges there, so I know it’s legit.”
- Research showed exact or near-exact language matches about different judges in different case types in different levels of state and federal courts. More likely a coordinated campaign and not coincidence.



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September 2021: Trial court judge struck down ban on school district face mask mandates.

Governor: "Today's decision is the result of a rogue judge interfering with the authority and process of another branch of government."

AZ State Committee of the American College of Trial Lawyers: "Governor Ducey has every right to disagree with Judge Cooper's decision. The Governor, however, should not move beyond respectful disagreement into baseless character attacks on this respected judge... Governor Ducey's characterization of Judge Cooper as a 'rogue judge' threatens judicial independence, undermines the integrity of the judiciary, and has no place in political discourse."

To his credit, the Governor dropped it and made no further similar statements.



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Recommendations:

- Change rules to allow responses to disinformation and misinformation – directly or through a third party. (Implemented 1/1/2022 for judges and elected clerks of court).
- Judicial Statements ~~on Pending and Impending Cases~~. Can respond in writing, via social media or broadcast media or otherwise...to false, misleading, or unfair allegations or attacks upon the judges' character or reputation.
- Similar changes made to the Judicial Branch Employee Code of Conduct (must consult with supervisor). (Implemented).



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Recommendations:

- Establish a Rapid Response Team (implemented through the AZ Judges Association).
- Designate court staff to serve function of a PIO.
- Establish at least one official court social media site.
- Regular meetings with court leadership, PIOs, and media (abbreviated Florida approach).



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Polling! Round 3!

- **Q3:** What resources would help you or your court with responding to misinformation or disinformation?



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Materials:

- Disinformation one-pager in English and Spanish.
<https://www.azcourts.gov/Portals/74/DisinformationTF/2021/CombinedDisInfoHandouts.pdf>
- Model language for administrative orders encouraging judicial leadership to designate court PIOs.
- Model language for official court forms: "To verify the accuracy of this document, contact..."
- Script for on-hold messages.



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Materials:

- How-to guide for creating social media accounts.
- How-to guide for notifying platforms of disinformation and misinformation.
- Statewide media contact list (internal).
- Playbook (NCSC model).



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How to Combat Disinformation



- Be accurate
- Lead with facts
- Develop a simple, accurate, short counter-message
- Be visual
- Establish your verified voice
- Respond quickly



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Thank You

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