Countering Disinformation Playbook

Tips and Recommendations for Arizona Courts

From the Task Force on Countering Disinformation

**Chapter One – What is Disinformation?**

* Disinformation can be defined as false, inaccurate, manipulated, confusing, or misleading information **deliberately** spread with the intent to deceive. Online disinformation, which spreads fast and easily, has been on the rise for quite some time.
* What is the difference between dis and misinformation?
  + Misinformation is false or misleading information that is spread without the intent to harm or deceive.
* Why does the spread of disinformation matter?
  + Disinformation promotes disagreement, propagates discord, creates distrust of government institutions or public officials, and undermines the democratic process.
  + Falsehoods can be spread about specific judges and cases, politicizing the court system and casting a dark light on the entire justice system
  + Mistrust of courts can morph into a judicial safety issue. Judges are subject to individuals who fixate on court rulings and outcomes (?), and cross the line of protest or complaint into acts of violence.
* Why is it difficult for the public to identify disinformation?
  + Social media news stories often contain both factual and false elements, which serve to bypass natural filters for detecting disinformation. It has been suggested that social media has been intentionally designed to sidetrack users from their usual discernment.
  + Lack of clarity in defining disinformation, what some consider to be disinformation others regard as legitimate speech.

**Chapter Two – When Should a Court Respond to Disinformation?**

* What circumstances might harken a response?
  + When the criticism is serious, substantially inaccurate, and displays a lack of comprehension of the legal process or the responsibility of the judge
* Consult the judge and consider their opinion.
* What is “timely”?
  + If possible, respond in the same news cycle

**Chapter Three – How Should a Court Respond to Disinformation?**

* Identify from whom the response should come
  + The Court
  + The state Administrative Office of the Courts
  + A rapid response team
    - This could be a mix of individuals from the preceding and following constituent groups
    - All should be equally committed to the impartiality and fair-mindedness of the judiciary
  + Local Bar Association
  + State Bar Association
  + Local judges association
  + Special interest group
  + University or law school
  + National organizations
    - National Center for State Courts (NCSC)
    - National Association for Court Management (NACM)
    - State Justice Institute (SJI)
    - National Association for Presiding Judges and Court Executive Officers (NAPCO)
  + Traditional media outlets
  + Social media influencers
* Keep the message simple
  + Measured, responsible, clear, concise (think, “soundbites”)
  + Easy to understand, hear, and read
  + Fact-based, credible, compelling
  + Coordinated
  + Non-partisan
  + Transparent, open, and honest
* Avoid denials
  + Stating a correction in the form of a negation may reinforce the misunderstanding
  + Affirmations are likely to be more effective
* Response “kit”
  + Guidance for social media posts
  + Sample “Letters to the Editor”
  + Editorial

**Chapter Four – What Courts Can Do to Reduce Court-based Disinformation**

* Promote Clarity
  + Post rules and procedures in a conspicuous place
  + Explain matters to litigants
* Enhance Public Perception
  + Demonstrate the personal side of judges and the court as they relate with the community in positive ways
  + Show justice being done – due process, access to justice
  + Publish newsletters, op-eds, blogs, or podcasts where the court controls the message
  + Cultivate partnerships with community agencies and partners
  + Target stakeholders – police and law enforcement agencies, schools, state and local legislators, service groups, mental health associations, substance abuse treatment and recovery groups
    - These groups have social media and newsletters to help frame a conversation
* Offer Civic Education and Community Outreach
  + Offer court-based seminars, information sessions, open houses
  + Encourage judicial officers to take a leadership role in advancing civics education
* Social media accounts
  + Establish stable base of positive information about the court
  + Influence the influencers
  + Identify courts as the source of accurate information about court processes and procedures
* Promote information integrity
  + Encourage transparency throughout the court and clerk’s office
  + Provide easy access to records request information
* Coordinate with traditional media and other credible sources
  + Establish and maintain relationships
  + Provide public records, comments, and explain reasons for why you can’t provide records or comments

**Chapter Five – Resources**

Report: “Rapid Response to Fake News, Misleading Statements, and Unjust Criticism of the Judiciary,” Herbert B. Dixon, Jr., Chair, ABA Standing Committee on the American Judicial System, June 2018

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

Center for Strategic and International Studies and National Security Institute – A Conversation with Justice Sonia Sotomayor, Justice Neil Gorsuch, Suzanne Spaulding, and Jamil Jaffer on the importance of civic education as a national security imperative.

* <https://www.youtube.com/watch?v=zHuYxp3MQiE>

Report: “Beyond the Ballot: How the Kremlin Works to Undermine the U.S. Justice System,” by Suzanne Spaulding, Devi Nair, and Arthur Nelson, Center for Strategic and International Studies, May 1, 2019

* <https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/190430_RussiaUSJusticeSystem_v3_WEB_FULL.pdf>

**Chapter Six – Definitions**