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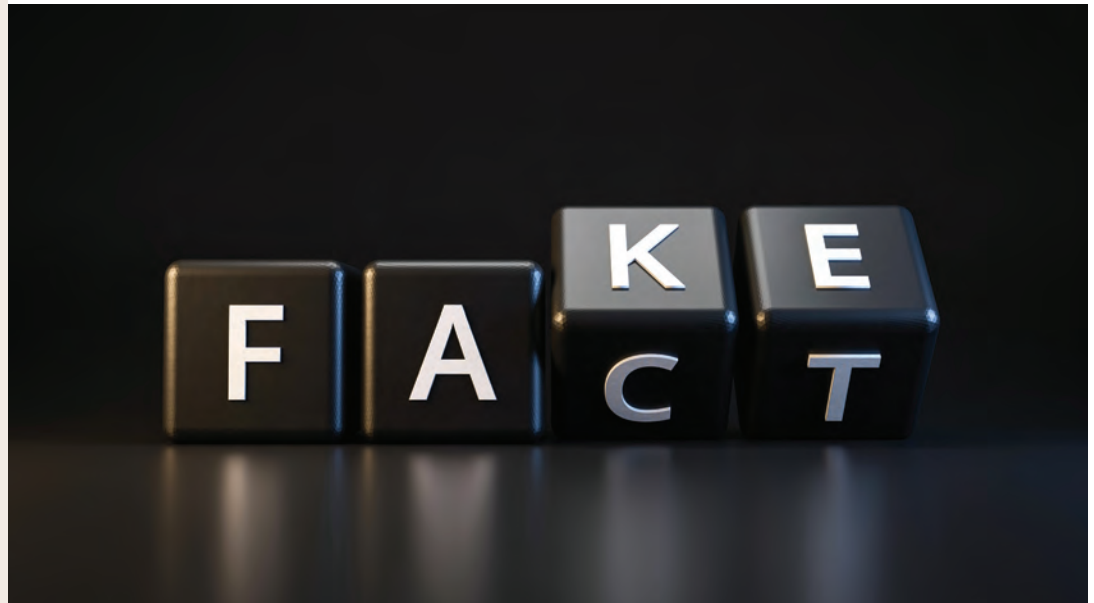
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Court communications for the disinformation age

As communication tools evolve, it's critical that courts understand how traditional and new media can be used, and on occasion misused, to communicate effectively with the public. Two recent publications offer specific guidance for how courts can work with media to disseminate information, enhance public trust, and combat disinformation in an increasingly complex communications landscape.

ARIZONA SUPREME COURT TASK FORCE ON COUNTERING DISINFORMATION

On Oct. 1, 2020, the Arizona Supreme Court's Task Force on Countering Disinformation released a report on how that state's judiciary should handle inaccurate information on social media and elsewhere. The

report was the result of a 2019 workshop on countering disinformation produced by the National Center for State Courts and Suzanne Spaulding, director of the Defending Democratic Institutions project at the Center for Strategic and International Studies (CSIS) and the author of *Beyond the Ballot: How the Kremlin Works to Undermine the U.S. Justice System*.

Among the task force's recommendations:

- 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.
- Modify the Arizona Code of Judicial Conduct to specifically address personal attacks against judges.

- Establish a “Rapid Response Team” to address incidents of disinformation targeting a judicial branch individual, a court, or a court system 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.
- 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.

The task force’s report and related information can be found at www.azcourts.gov/cscommittees/Task-Force-on-Countering-Disinformation.

2020 MEDIA GUIDE FOR TODAY’S COURTS

A new *Media Guide for Today’s Courts*, a joint effort between the National Association for Court Management (NACM) and the Conference of Court Public Information Officers (CCPIO), provides guidance to courts on developing and maintaining effective relationships with media.

Communicating the court’s message: Courts are encouraged to be proactive in media relations planning and not to rely on occasional unplanned remarks. The courts must be seen to be administering justice transparently, and the best way to do that is to be transparent about communications goals and strategies. The Florida Supreme Court’s communications plan is offered as an example: The court’s plan states a goal (*To promote a unified message by using*

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key court messages) and then links it to a strategy (*Actions or communications that emanate from the branch should use key court messages to ensure consistency of thought and tone and promote a unified statewide message*) — thus clearly illustrating how the court will go about its communications efforts.

The guide also suggests that courts have a responsibility to help educate reporters. It used to be common for a specific local reporter to cover the courts or justice beat, but in today’s media environment those specialized reporters are few and far between. Courts can help reporters bridge the knowledge gap by creating simple, prewritten materials or hosting

local media roundtables, for example. For interviews with media, the guide offers strategies both for setting up interviews as well as tips for how to be interviewed. It also advises courts on understanding the different needs of various media (social media, legal newspapers, TV, etc.). An explanation filled with legal jargon may make sense for a legal newspaper, but not so much for a mass-audience TV reporter.

Drafting an effective press release:

The skills and techniques associated with writing a legal brief or judicial opinion do not always translate well in press interactions. The guide offers detailed advice for how courts can more effectively communicate with the public by identifying a target audience and then selecting the best tools for reaching that audience. An op-ed or column in the local legal newspaper or even a mass-circulation newspaper is not going to reach the same audience as a social media post. Another tip: The “go-to” guidance for style for news is the *AP Stylebook*, not the *The Bluebook*.

Social media: Some courts and court systems remain decidedly out of the social media space, while others maintain an active social media presence. But social media is now a primary way that many Americans get their news. And by using social media, a court can tell its own story, thereby increasing public trust and confidence and promoting the rule of law and justice in the news. The guide details particular methods and messaging for the most popular platforms (Twitter, Facebook, YouTube, Instagram, etc.) and illustrates how courts are already using these tools effectively. The guide ►

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The Storied Third Branch invites judges to write a tribute to another judge who has, through example or mentorship, served as an inspiration to colleagues on and off the bench. See details at judicature.duke.edu.

JUDICIAL HONORS

Justice **MICHELLE KELLER** of the Supreme Court of Kentucky received the Kentucky Bar

Association's Distinguished Judge Award.

The award honors a judge who has made outstanding contributions to the legal profession. Justice Keller was appointed to the Kentucky Supreme Court in April 2013. She currently serves as the chair of the Access to Justice Commission and Criminal Rules Committee.



Senior United States District Judge **THELTON HENDERSON** (Northern District of California) is the most recent recipient of the George H.W. Bush Distinguished Alumnus Award from the National College

Baseball Hall of Fame. The award honors the accomplishments of college baseball players who achieve greatness off the field. Henderson was a key hitter on the University of California–Berkeley 1954–55 baseball team, playing outfield and third base. He later graduated from Berkeley's law school and began an esteemed legal career that included becoming the first African American attorney in the civil rights division of the U.S. Department of Justice.

ANDREAS VOSSKUHLE, president of Germany's Federal Constitutional Court, was awarded the country's second-highest federal order of merit after leaving his office this year. In 2010, Vosskuhle made history as the youngest president in the history of the Federal

Constitutional Court of Germany. Before joining the court, Vosskuhle was a professor at the University of Freiburg.

Tahoe Township Justice of the Peace **RICHARD GLASSON** received a lifetime achievement award from the Nevada

Judges of Limited Jurisdiction Association. Glasson is a past president of the association, which is the largest judicial body in the state and represents all justice and municipal court judges. Glasson is Douglas County's longest serving and only judge since taking office in 2001.



The Network of Bar Leaders of the Southern District of New York

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also includes the introduction of a Code of Conduct for public use of a court's social media page and a Social Media Policy for how, when, and why courts will post to the social media page.

High-profile trials and emergency situations: The key to effectively managing media for high-profile trials and emergencies is anticipation. Does your court have a plan for the situations you are likely to face? Some are obvious: States that are prone to hurricanes need to know how to communicate before, during, and after a storm. Other emergencies can be anticipated based on what other courts or states have been through, such as trials with high media interest. Laying out a plan for these scenarios ahead of time allows courts to focus

on implementing rather than creating a plan when emergencies arise. For example, establish guidelines for juror interactions with the media and create premade media packets that anticipate media questions.

The guide also offers timely guidance for how courts can address (and have addressed) COVID-19's impact and how courts can continue to communicate with media and the public as the pandemic wears on.

The Media Guide is available for purchase from the National Association for Court Management's store (<https://nacmnet.org/resources/store>).

– **WILLIAM RAFTERY** is a senior knowledge and information services analyst with the National Center for States Courts.