



# Combating Disinformation

A Playbook Template for State Courts

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For more information:

**[ncsc.org/disinformation](https://ncsc.org/disinformation)**

**[brunswickgroup.com](https://brunswickgroup.com)**

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# Overview

In today's dynamic political and data-driven environment, every state court will have to respond to a misinformation or disinformation challenge at some point. To lead confidently, state courts need to train for and test responses in advance.

Whether preparing for a disinformation incident or another type of crisis, this playbook can assist in developing a well-thought-out plan and response.

The top priority to counter any type of targeted disinformation event is to mitigate the impact of the disinformation and maintain public trust. The most effective way to achieve that goal is to be prepared, so you can respond confidently and quickly.

The plan template that follows outlines key components of a communications plan that courts can build out or tailor to the needs of their jurisdiction. The sections of the template and their order are only suggestions and should be retained, amended, or deleted based on the needs of your court. The pages that follow will be in a template format, including bracketed text where the name of a court or other specific details can be filled in.

Responsibility for the accuracy and timeliness of the plan and subsequent updates should rest with individual courts and approaches should be tailored to meet individual needs.

## Key Terms

### MISINFORMATION



False, inaccurate, or incomplete information that is spread mistakenly or unintentionally.

### DISINFORMATION



False or inaccurate information that is spread deliberately, most often by adversaries; this includes technically factual information purposely presented in a misleading way and may include amplification by a bot or other inauthentic account.

### STAKEHOLDER



An internal or external individual, group, organization that needs to be informed about a disinformation incident even if their point of view may differ.

### VALIDATOR



An external individual, group, or organization that can help provide accurate information to counter disinformation during an incident and/or help educate the public during “steady state.”

## Audiences

Each court will likely encounter multiple types of audiences in the general public, ranging from individuals who are strong advocates for the judicial system to those who are highly distrustful and antagonistic towards government leaders and institutions. It is critical to keep in mind the broad spectrum of audiences your court will encounter. This will help enable effective prioritization when creating a strategy and drafting communications. Generally, audiences can be broken into four segments:

ADVOCATES	PERSUADABLES	SUSCEPTIBLES	DETRACTORS
Individuals and groups who are favorable to the courts and other organizations that are working to protect trust in the judicial system. They can be counted on or can be easily motivated to defend the integrity of the courts in public. These advocates often come from the traditional legal community (law schools, bar associations, etc.).	Individuals and groups who have general awareness of the judicial system and may be willing to more actively support this work if engaged appropriately.	Individuals and groups whose media literacy and awareness of the measures that govern the judicial system may be low; or have greater exposure to historical distrust and grievances. Often the key target of domestic or foreign misinformation and disinformation narratives.	Individuals and groups who are highly distrustful and antagonistic towards government leaders, public institutions, and the courts. While consideration should be given to engaging this audience, their point of view is very difficult to change and may not be worth the highest priority effort.

In today's divisive social and political environment, there is no single tactic or counter-narrative that can blunt the effect of misinformation and disinformation across all audiences. One way to strengthen resilience against misinformation and disinformation is by engaging in targeted reputation-building and educational activities towards persuadable and susceptible audiences. It can also be bolstered by educating advocates, so they can deliver accurate messages. Altogether, building a strong base of support among local decisionmakers and influencers can build resilience in the general public conversation around the courts.



Values/guiding principles the public should know about your court include:

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## Demonstrating Your Guiding Principles and Values

Demonstrating your values in a crisis is the best way to protect your court's reputation in challenging circumstances. Guiding principles should inform your stakeholders about the workings of your court and build their resilience against false information.

Every court should consider: What are the guiding principles, values, professional standards, and ethical considerations that you want the wider public to know? Among these values and principles, which ones would help the public be less likely to accept disinformation about the court? How can you display these values to the public in ways that are widely accessible and understood?

Principles should be inspiring and engaging, but also achievable and realistic. No system is perfect, and disinformation actors will exploit and sensationalize imperfections in the system. Therefore, humility and honesty are key. Acknowledging mistakes is important to build credibility and trust.

More robust civic education can help equip citizens to withstand these disinformation narratives and courts need to play a role to ensure the public knows what courts stand for and how they operate.



*Use the worksheet to create your plan*



# Building Resilience to Combat Disinformation

Proactively educating your key stakeholders is one of the most effective tools to help build resilience to disinformation. Establishing a regular series of communications (online and in-person) with the media and the public will help establish credibility and increase public education about civics basics. **The first time they hear from you should not be when you are trying to combat disinformation.**

There are several actions the court can take to build resilience, such as:

- ▶ Establishing yourself as a credible source of information
- ▶ Using local events, such as a Rotary Club meeting, to connect with community members and educate on judicial concepts like due process, fairness, and judicial independence
- ▶ Building relationships with validators and even potential detractors

Each court should determine what types of outreach make the most sense in their community.



*Use the worksheet to create your plan*



What is your court doing now?

What more should be done moving forward?

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Which of these narrative themes are likely to be the source of disinformation related to your court?

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## Common Disinformation Themes

The goal of disinformation is to erode public faith in the values that uphold America’s judicial system. These attacks often seize onto existing and sometimes legitimate critiques of the system but grossly distort them to denigrate the system and enrage skeptics.

Currently, there are **four prevalent themes** that are routinely used by foreign actors, often amplifying domestic voices, seeking to undercut faith in the judicial system.

<p><b>1</b> The justice system tolerates, protects, and covers up crimes committed by immigrants</p>	<p><b>3</b> The justice system directly supports and enables corporate corruption</p>
<p><b>2</b> The justice system operationalizes the institutionally racist and corrupt police state</p>	<p><b>4</b> The justice system is a tool of the political elite and is therefore illegitimate</p>

Additionally, the following themes are examples of ones that are often used domestically to promote disinformation.

- ▶ The justice system ignores election fraud and irregularities
- ▶ The justice system is permanently set up to favor certain ethnic groups over others and consistently provides white defendants with more lenient sentencing
- ▶ Male judges are insensitive to female litigants



*Use the worksheet to create your plan*

## Completing a Self-Assessment of Your Court's Unique Vulnerabilities

Disinformation is most effective when there is some amount of believability in your local context. Some disinformation themes may be unique to your locality. Developing a comprehensive list requires an honest self-assessment of past issues, myths, controversies, and controversial decisions that have generated interest in the past. You can use this self-assessment to inform the keywords that you prioritize when setting up early warning tools.



*Use the worksheet to create your plan*



In addition to the themes in the previous section, what are some of the specific narratives that are likely to be the source of disinformation related to the judicial system and process in your jurisdiction?

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## Good Practices for Countering Disinformation

Every misinformation or disinformation scenario is different and requires creative thinking to counteract. However, several best practices for dealing with disinformation have emerged over time. These include:



### BE ACCURATE.

At the state level, disinformation related to the court system feeds off exploiting any inaccuracy or mistake to cast the court in the worst possible light. You need to ensure you are operating from a factual position, so check your facts with multiple sources before citing them publicly. Ask all appropriate questions and put in the work before you speak to ensure that you do not accidentally provide misleading information.



### LEAD WITH FACTS.

Avoid repeating misinformation or disinformation. Starting your rebuttal by repeating the false allegation or rumor can inadvertently reinforce that myth in the mind of your audience. Instead focus on providing accurate facts first and do not lead with or repeat false messages. For example, in a situation where fake court documents are released on the internet, the response should focus first on where accurate and verifiable information can be found, not repeating or reshoving the forgeries.



### BE VISUAL.

False information on social media is often compelling because it is paired with engaging images. When appropriate, getting your message out with your own compelling image or well-designed graphic can capture the public's attention. For example, judicial procedure explained through an infographic or flow chart will be more accessible to the public than through legal jargon.



### ESTABLISH YOUR VERIFIED VOICE.

Use your social media platforms, like Facebook and Twitter, to regularly point to where the public can find reliable information on court operations. Establish your channels as the go-to sites to find accurate information with key stakeholders, so they go there first.



#### **DEVELOP A SIMPLE, COUNTER-MESSAGE.**

Avoid complex messages. Develop a short, clear statement that contains the facts. Speak plainly.



#### **RESPOND QUICKLY.**

Disinformation can spread rapidly. Your counter-message should be ready to disseminate as soon as possible. If you are still gathering facts say so, but always take the opportunity to direct your audience to where they can find verified information online.



*Starting your rebuttal by repeating the false allegation or rumor can inadvertently reinforce that myth in the mind of your audience.*

# Guidelines for Communicating with the Media

## ESTABLISH TRUSTED MEDIA RELATIONSHIPS BEFORE AN INCIDENT.

Doing so will allow you to have a more open conversation in the middle of a crisis. Reporters that have a baseline understanding of how the court works are less likely to be deceived by clearly false information or rumors. If a credible journalist or news outlet is not available, focus on direct outreach via social media and/or your website.

## ACCEPT THAT YOU CANNOT AVOID MEDIA COVERAGE.

Disinformation will frequently be picked up by a wide range of reporters. You need to talk to the media. If you don't, you risk having others tell your story and it will likely be more hyperbolic and less factual than the actual story.

## BE PREPARED FOR RECORDS REQUESTS.

You can anticipate a flood of public records requests demanding documentation to disprove disinformation. Documented procedures and automated records retention centers protect your court by auto-saving copies of social media messages and emails, ensuring content is searchable for employees to respond to records requests or other requirements.

## AVOID SAYING "NO COMMENT."

It leaves the impression you have something to hide. You can explain, if appropriate, why it would be irresponsible to speculate before having all the facts. You can also explain the reasons for court rules that may prevent you from commenting on a case. Speak about issues as directly as possible and avoid "wiggle words" like "so far as we know."

## WORK WITH JOURNALISTS TO COUNTER MISINFORMATION.

Misinformation can easily spread from social media to traditional media outlets. Journalists may unknowingly re-post or quote messages that originated with fake accounts. By forming relationships with journalists before disinformation spreads, you can provide accurate information and encourage them to ignore misinformation.

## Guidelines for Communicating with the Public

### MAKE YOUR COMMUNICATIONS ABOUT YOUR MOST IMPORTANT STAKEHOLDER – THE PUBLIC.

There will be a temptation to discuss the components of the incident or respond directly to the sources of disinformation. Instead, talk about what you are doing to address public needs or concerns in this specific situation.

### SPEAK PLAINLY AND DIRECTLY.

Legal jargon can be off-putting to nontechnical audiences. Use anecdotes and examples to demystify relevant issues whenever possible.



**Avoid saying “no comment.”**

*It leaves the impression  
you have something to hide.*



# Building a Rapid Response Process

The first step in ensuring preparedness to combat disinformation against your court is developing or updating your internal and external response processes.



## Developing Your Process

The following steps will guide your development / updating of your response processes:

- 1 Create a disinformation response team (DRT). The DRT should determine when and how to convene and establish a decision-making process that will be used during an incident.
- 2 Map and analyze internal and external stakeholders that should be considered in a disinformation situation.
- 3 Set up early warning tools to monitor for disinformation online.
- 4 Establish escalation process to determine the severity of the incident.
- 5 Establish a drafting and approval process for key messages.
- 6 Establish a feedback loop.

## Establishing an Internal Disinformation Response Team (DRT)

Maintaining a coordinated process establishes effective and efficient communications planning and response procedures. Below is a templated chart that should be adapted to your organizational structure and filled in. When building out your DRT, focus on making sure the right decision-makers are included, rather than the number of people that make up the team — and be sure to include a leader, who can drive the group to quick decisions.

Position	Designated individual and contact information	Designated back-up and contact information
Chief Justice / Presiding Judge / Justice(s)		
Communications Director / Public Information Officer		
Counsel		
Administrative Director		
Director of Operations / IT		
Community Relations Officer		
Court Security		

## Activating a DRT

Your DRT should be “activated” whenever notable disinformation is discovered that could interfere with trust and integrity in your court. The activation process may vary, but at a high-level approach should include the following activation steps:

- 1 DRT lead is made aware of disinformation.
- 2 DRT lead convenes team.
- 3 DRT uses the escalation protocol framework to determine severity of the incident and appropriate response plan.
- 4 DRT confirms roles and responsibilities during the incident.
- 5 DRT lead establishes regular cadence for DRT meetings until incident is de-escalated.

## Early Warning Tools

Early warning tools should be used to help quickly identify narratives and get ahead of disinformation efforts. Digital media monitoring of the issues that are of the most relevance and biggest concern can help identify potential threats at the earliest possible stage. To use these tools effectively, court communicators need to understand what the biggest disinformation threats are in their context. Doing this due diligence up front will allow you to come up with a series of search terms that can be programmed into social media tools to effectively warn you before disinformation runs rampant.

When tools are set up, protocol for contacting the social media platforms should also be established to ensure that the DRT can move quickly if they are requesting that disinformation be taken down from a social media site. Please note there are no guarantees that information will be taken down as each platform has different standards for what violates their terms of service.

Other possible channels through which to reach social media companies include:

- ▶ Established state Homeland Security channels and the federal Department of Homeland Security
- ▶ Professional organizations
- ▶ Direct connections established with social media representatives

We recommend determining your best method for reaching social media platforms before a crisis.

## Potential Tools

First and foremost, an early warning tool can help identify potential threats quickly and provide more time for the DRT to be activated and a response plan to be formulated.

When tools are set up, you should familiarize yourself with how they work and establish protocols for contacting the social media platforms, so the DRT can move quickly, especially if they are requesting that disinformation about elections that could qualify as voter interference be taken down from a social media site. Please note there are no guarantees that information will be taken down as each platform has different standards for what violates their terms of service.

We recommend determining your best method for reaching key social media platforms before an incident occurs. Initiating a conversation with NCSC on how best to facilitate communication with the platforms, if you do not already have a line of communication, may be a useful first step.

### BUDGET FRIENDLY TOOLS

Helpful social media tools, available at little or no cost, include:

- ▶ Google Alerts
- ▶ Tweet Deck
- ▶ Social Bearing
- ▶ Google Trends
- ▶ Hoaxy
- ▶ Google Reverse Image Search

### PROPRIETARY TOOLS

In recent years, a number of technology companies have also developed proprietary tools and services designed to help public and private sector organizations address the spread of online misinformation and disinformation. Many of these providers use artificial intelligence (AI) to track and identify potentially harmful content or emerging narratives across multiple social media platforms and online channels. These companies include:

- |               |                |               |
|---------------|----------------|---------------|
| ▶ Logically   | ▶ Constella    | ▶ Signal Labs |
| ▶ Graphika    | ▶ Intelligence | ▶ Factmata    |
| ▶ ActiveFence | ▶ Blackbird.ai | ▶ ZeroFox     |

Several of these companies have offerings to work with national and local government partners to monitor, detect, and counter harmful online content and activity (such as election misinformation). While using AI-based technologies can complement the communications-driven activities described in this playbook, proprietary tools and services have varying costs and language coverage limits — and thereby may not be relevant for all court jurisdictions.



**Identifying key stakeholders ahead of time will ensure you can respond rapidly to activate this network when an incident occurs.**

*What are the organizations in your jurisdiction who have a vested interest in the operation of the courts and whose opinions on your activities matter in your community?*

## **Stakeholder Outreach and Education – External Rapid Response**

Before a crisis, it is critical to identify and establish relationships with key stakeholders. Key stakeholders may include civic groups, local or state associations, media, social media companies, and the public. Working with these groups to listen to their concerns, be open about the procedures of your court, and share your values before a crisis increases the likelihood that they will vouch for you against false information.

Stakeholders should not only include groups with who you are currently aligned. Building bridges with potentially adversarial yet respected civil groups and members of the media may have more impact in a crisis. Support from unlikely allies can confound attempts by disinformation actors to sow discord between groups they want to place in opposition. At a minimum, having an open dialogue gives you options to address rumors directly with critics before they take an adversarial position. Relationships with respected legal experts and former court officials can help validate the work of state courts because media will often reach out to these groups for independent comments on court activities. Having a dialogue with these figures will be helpful as they may be able to explain or comment on court procedures that you cannot.

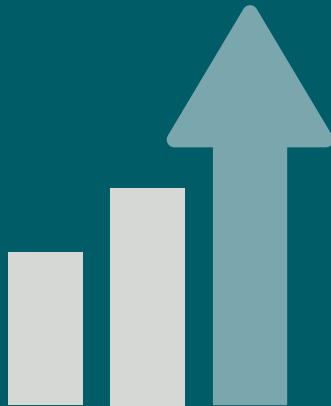
Identifying key stakeholders ahead of time will ensure you can respond rapidly to activate this network when an incident occurs. What are the organizations in your jurisdiction who have a vested interest in the operation of the courts and whose opinions on your activities matter in your community? If applicable, are there national level assets you can draw upon if your situation becomes national news?

## External Stakeholders

Stakeholder	Areas of Potential Assistance	Point of Contact
Local bar association		
Academia (including law students)		
Media		
Advocacy group(s)		
Elected officials		
National-level legal / court organizations		
<b>FactCheck.org</b>	<b>Assistance with countering disinformation on Facebook</b>	<b>editor@factcheck.org</b>

## Internal Stakeholders

Stakeholder	Areas of Potential Assistance	Point of Contact



# Escalation Protocol

An escalation protocol helps assess the severity of a disinformation incident. Not all disinformation requires the same level of response. Some disinformation — if it remains on the fringes and is already roundly rejected by key stakeholders — is best left monitored, as responding will only give the matter attention it does not deserve.

**The three questions below provide a way to assess the level of risk that a disinformation narrative poses to the courts.**

Using this structure, you can make decisions based on a consistent set of criteria to determine the level of risk.

► **What is the *potential impact*?**

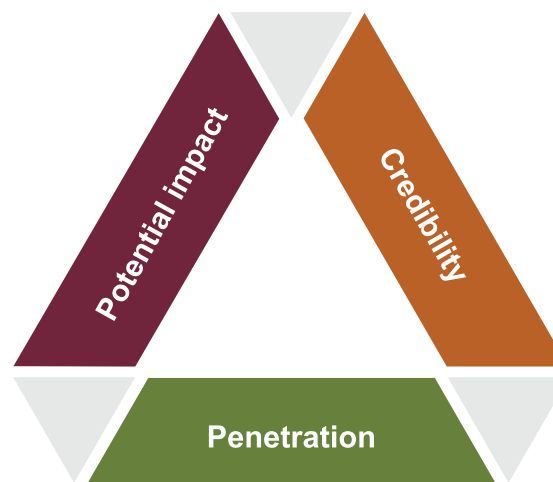
Could the narrative negatively impact the court's reputation or its integrity?

► **Is it *credible* to key audiences?**

Is the narrative credible enough to cause concern among the court's key stakeholders?

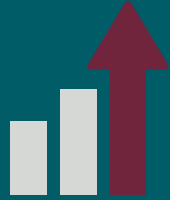
► **What is the *penetration* of the narrative?**

Is the content confined to online echo chambers or is it breaking through to mainstream audiences online?



The framework that follows is a starting point that you can tailor to meet your needs. These points in the framework should be considered during an incident, but all may not be necessary depending on the context of the situation.

***It is usually easier to scale back an initial over-reaction than it is to catch up if you have insufficiently responded.***



SEVERITY:  
**HIGH**

**A high severity incident occurs when disinformation is circulating in the public, on social media, or in local media that threatens to significantly undermine your court’s credibility for a prolonged period of time.**

*It will likely have one or more of the following qualities:*

- Prompts the public question to the credibility of your office/system
- Damages community confidence in the court system and / or judge(s)
- Is currently or will result in inquiries from media (local, state, and potentially national), third-party groups, local and state officials, or the local bar association
- Threats of removal from office or cuts of funding is real

## Key Considerations / Actions

- ▶ Activate Disinformation Response Team. Identify disinformation narrative and establish ground-truth.
- ▶ Reach out to relevant external stakeholders to educate, share key messages, and amplify fact-based information.
- ▶ Develop a fact-based statement. If further investigation is required, deploy an interim statement.
- ▶ Determine if broader public communication is appropriate.
- ▶ Alert national partners like National Center for State Courts (NCSC) and Conference of Court Public Information Officers (CCPIO).
- ▶ Coordinate with NCSC, who has an established POC and will alert social media companies.
- ▶ Brief senior state or local officials.
- ▶ Contact legislators, policy makers, or stakeholders as needed.
- ▶ Reach out to third-party validators to vouch for the court with media.
- ▶ Issue follow-up statement once you have established the facts (if necessary).
- ▶ Continue media and digital media monitoring and feedback loop.
- ▶ If applicable, consult law enforcement.



## Potential Key Materials Checklist

- (Preferred) Fact-based statement deployed across multiple channels (court website, social media, traditional media, shared with stakeholder groups).**
- (If necessary) Interim statement to allow for more time to conduct an investigation.**
- Key talking points taken from the statement.**
- Peer communication / email.**
- Develop clear, straightforward graphics, images, videos, or charts to provide correct information in a way that is visually appealing and easily digestible for your community.**
- Email to social media contacts (if applicable).**
- Website / social media materials.**
- Visual infographics, charts, images, and videos as applicable.**
- Media materials.**
- Legislator / policymaker materials.**
- Community leader / third-party validator materials or talking points (derived from key messages).**
- Talking points for the court's spokesperson.**
- Briefing for law enforcement.**
- Follow-up media briefings.**



**SEVERITY:  
MEDIUM**

The disinformation is circulating in the public, on social media, or in local media that has the potential to negatively affect the court's credibility. The misleading information will likely spur questions from external stakeholders.

*It will likely have one or more of the following qualities:*

- Prompts the public to question the credibility of your office/system
- Is likely to result in inquiries from media (local, state, and potentially national), third-party groups, local and state officials, or the local bar association

### **Key Considerations / Actions**

- ▶ Activate Disinformation Response Team. Identify disinformation narrative and establish ground truth.
- ▶ Reach out to relevant external stakeholders to educate, share key messages, and amplify fact-based information.
- ▶ Develop a fact-based statement. If further investigation is required, deploy an interim statement.
- ▶ Determine if broader public communication is appropriate.
- ▶ Alert national partners like NCSC and CCPIO.
- ▶ Coordinate with NCSC who has an established POC and will alert social media companies.
- ▶ Issue follow-up statement once facts are established (if necessary).
- ▶ Continue media and digital monitoring and feedback loop.

## Potential Key Materials Checklist

- (Preferred) Fact-based statement, deployed across channels (court website, social media, traditional media, shared with stakeholder groups).**
- (If necessary) Interim statement to allow more time to investigate.**
- Peer communication / email.**
- (If necessary) Develop clear, straightforward graphics, images, videos, or charts to communicate correct information in a way that is visually appealing and easily digestible.**
- Email to social media contacts (if applicable).**
- Website / social media materials.**
- Visual infographics; charts; images; and video as applicable.**
- Talking points for court spokesperson (if applicable).**
- Community leader / third party validator materials or talking points (derived from key messages).**



SEVERITY:  
MEDIUM



SEVERITY:  
**LOW**

The disinformation is circulating in fringe groups and has not reached mainstream conversation. At this stage, intervention is unnecessary because drawing attention to the information risks giving it more attention than it might otherwise receive.

*It will likely have one or more of the following qualities:*

- Not receiving significant coverage
- Widely seen as implausible
- Poses a limited threat to your court's credibility

### Key Considerations / Actions

- ▶ Increase your dissemination of correct information in the places your community consumes news, like Twitter or Facebook.
- ▶ Prioritize traditional and digital media monitoring to continue to assess if the incident remains low severity.
- ▶ Coordinate with NCSC who has an established POC and will alert social media companies.
- ▶ Reach out to relevant external stakeholders to educate, share key messages, and amplify fact-based information (if appropriate).

### Potential Key Materials Checklist

- Draft communications to peer organizations, warning of the misleading information, especially if the issue is multi-jurisdictional (if necessary).**
- Email to social media contacts (if applicable).**
- Prepare contingency communications to be used if disinformation escalates to medium severity.**

## Activating Your Network

Once you have determined the severity of the disinformation (see Escalation Framework and Incident Response Checklists), it will be important to move quickly to activate your identified network of third-party validators who can amplify the counter-narrative as quickly as possible.

In high and medium severity situations, aligning on the key messages and identifying the most important validators should happen right away. To make these decisions, the DRT should consider these key questions:

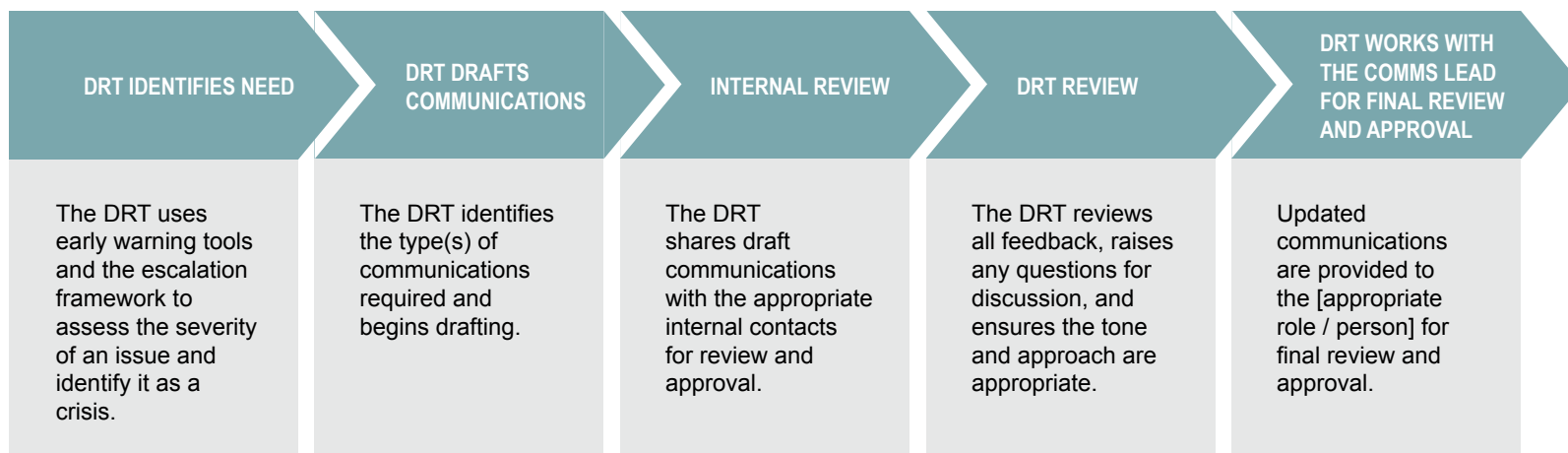
- 1 What are your objectives?
- 2 Who is your audience?
- 3 What disinformation are you trying to counter?
- 4 Who are the best people to validate and amplify your counter-narrative? (These individuals should be credible, trustworthy, and able to speak with authority and clarity on the issue.)
- 5 How do you reach them?
- 6 Who should contact them?
- 7 What are you asking them to do?
- 8 Do you have contacts within the aggrieved audience that you could explain the situation to and ask them to convey accurate information to their stakeholders? (For example: if there is disinformation regarding racially influenced sentencing that is false, do you have a contact at a local community activist group, such as the local NAACP chapter, that could serve as bridge between you and the community?)



**Once you have determined the severity of the disinformation, it will be important to move quickly to activate your identified network of third-party validators who can amplify the counter-narrative as quickly as possible.**

## Content Drafting and Approval Process

The DRT will manage communications activities from the initial severity assessment to the drafting and dissemination of materials. The DRT will liaise with other internal stakeholders at the court, including [appropriate internal teams / individuals] during the process.



## Establishing a Feedback Loop

Establish a means — both during and after an incident — to incorporate feedback from key stakeholders into your response. During an incident, this work could take the form of media or social media monitoring and can be used to recalibrate messaging or approach. After an incident, you should write an after-action review and ensure lessons learned are incorporated into the Disinformation Response Plan Template.

### Your after-action report should include:

- A summary of the incident (keeping in mind it could be subject to public disclosure)
- An overview of the operational response
- The communication objectives
- And an overview of the following:
  - Incident
  - Outcome
  - Future recommendations



# Incident Preparation and Rapid Response Checklist

## What to do *before* the event

- Establish a Disinformation Response Team (DRT) with contact information and back-up personnel as appropriate. Agree on roles and responsibilities
- Map and analyze internal and external stakeholders
- Establish a drafting and approval process for key messages
- Establish a process for working with NCSC to report disinformation to social media platforms
- Decide what information can be communicated immediately and establish a feedback loop
- Clarify the escalation protocol
- Complete a self-assessment of the court's vulnerabilities to inform early warning tools
- Set up early warning tools based on identified search words
- Establish official voice with external stakeholders through ongoing proactive outreach and build public resilience through education
- Regularly execute tabletop simulations to test the DRT and response process and develop additional scenarios

# Incident Preparation and Rapid Response Checklist

## What to do *during* the event

- Activate the DRT
- Assess the disinformation severity using escalation protocol
- Engage outside advisors, as necessary
- Brief any necessary internal individuals / teams
- Review and assess any legal obligations regarding disclosure or comment
- Contact NCSC and request that they contact the social media companies, if necessary
- Agree on internal roles and responsibilities for this incident, including spokesperson
- Set up social media monitoring tools to track further dissemination of disinformation
- Determine whether any pre-planned social content or media engagement should be put on hold / canceled
- Monitor traditional media for coverage
- Draft a fact-based statement. If further investigation is required, draft an interim statement, leveraging pre-approved templates
- Determine which channels to deploy fact-based statement or draft interim statement on and identify who will deploy the statement once approved
- Receive approval for fact-based statement / interim statement
- Deploy approved statement on pre-determined channel(s)
- Conduct stakeholder assessment to determine most important audiences for this incident, leveraging pre-drafted stakeholder map
- Draft appropriate core communications materials, leveraging templates, including:
  - Talking points
  - Press release
  - Q&A
  - Other materials as needed
- Receive input on and approval of communications materials





- Transmit approved materials, along with the instructions for distribution, to appropriate Communications Leads for transmission to assigned internal stakeholders
- Assess whether to launch a proactive digital strategy and determine protocol for when to directly engage with users on social media
- Brief spokesperson(s) for any approved media engagements
- Brief Judge(s) for any approved media engagements
- Conduct background / off-the-record media pre-briefing(s), if appropriate and necessary
- Transmit approved materials, along with the instructions for distribution, to appropriate Communications Leads for transmission to assigned external stakeholders
- Issue press release, if appropriate
- Field and triage media inquiries
- Follow up with key stakeholders (as appropriate) with any additional information / updates

## What to do *after* the event

- Record key learnings in an After-Action Report
- Update playbook and template communications to reflect key learnings
- Criminal, civil, regulatory action, if necessary and appropriate
- Continue to monitor media and digital and update tools to reflect learnings from the incident
- Re-engage external stakeholders to educate and build on existing relationships



## Scenario Planning

*Every court should engage in scenario planning and develop materials that can be adapted for use during an incident.*

To get started, examples of themes and scenarios are provided on the following pages to consider and adapt to each court's needs.

The following examples illustrate the range of themes and issues for which each set of communications materials could be adapted. The themes have been drawn either from actual past events in one or multiple courts, or scenarios we anticipate being highly likely in the near term.

While no theme is likely to fit your disinformation scenario exactly, the following possibilities reflect a range of incidents you may encounter based on the types of disinformation most likely to gain traction.

- 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

**And common domestic themes:**

- The justice system is permanently set up to favor certain ethnic groups over others and consistently provides white defendants with more lenient sentencing
- Male judges are insensitive to female litigants

**In addition, several recent events are driving new and even more dangerous political themes:**

- The justice system ignores voting irregularities and fraud allowing the election to be stolen from certain candidates
- The justice system tips the electoral map in favor of a particular party
- The justice system is unaccountable therefore judges should be subject to threats of violence to keep them in line
- Decisions by the court are political and can be leaked for political purposes

## Each scenario includes the following five communications templates:



### INTERIM STATEMENT

The purpose of an interim statement is to allow officials time to gather information about the situation, while remaining transparent about the existence of the incident – or an investigation into it. In some cases, an interim statement is useful in the event the media becomes quickly aware of an incident before officials intend to make the information public, to quickly address concerns and demonstrate grip of the situation.



### KEY MESSAGES

The basis of all internal and external communications materials throughout an incident. This document is the only source of information from which your team should draft media statements, Q&A, website and social media copy, employee emails, and other communications materials. As new information becomes available, your team should update the key messages and circulate the most recent information to relevant officials.



### SAMPLE TWEET

Sample Twitter posts that can be adapted for additional platforms.



### PEER COMMUNICATION

Communications developed to inform counterparts at the state, local, and federal levels of the incident and provide guidance for any public communications that may be issued.



### Q&A

The Q&A materials should be used for those dealing with members of the media and other stakeholders. They should be updated and expanded as specific narratives or lines of questioning emerge, and as more information is known about the incident.

**The following hypothetical scenarios are offered for inspiration on how a court might consider responding under certain circumstances.**

The first scenarios include a set of starter template communications materials. These are potential language a court could adapt if they were to face a similar scenario.

## Scenarios and Templated Communications

### Scenario 1:

Allegation that the court covered up an immigrant crime

### Scenario 2:

Impeachment campaign against a judge started by an upset political party

### Scenario 3:

A group leaks a forged opinion which risks undermining public trust in the court

### Scenario 4:

Rumors about a judge mishandling a case leads to death threats

### Scenario 5:

Allegations that the court is ignoring voter irregularities and voter fraud

## Scenario 1:

# Allegation that the court covered up an immigrant crime

## Scenario Summary

A conspiracy website that focuses on immigrant crimes alleges that state courts are systematically minimizing crimes by migrant workers for fear of being seen as politically incorrect. To illustrate their point, they pick out a case where an undocumented worker in your jurisdiction was charged with manslaughter for the accidental death of a local man in a warehouse. The worker was acquitted as a jury found the accident did not involve negligence. To accuse the court of mishandling the case, the website mischaracterizes evidence, ignores exculpatory evidence, references the judge's political party affiliation, and presents outright falsehoods about the case. Reporters from national media networks begin calling to ask about the allegation.

## Interim Statement

The official record of the court proceedings involving [name of case] can be found [link to relevant court comms or documents]. Anyone seeking an accurate account of what occurred during the trial can find those details in full on this site.

The case was tried in full accordance with state laws in front of a jury of the accused's peers. It is the court's duty to uphold jury decisions as this is consistent with [refer to appropriate judicial principle].

We encourage the public to exercise caution when encountering accusations online based on false and misleading accounts of the case. Again, please refer to [link to relevant court communications or documents] for accurate information on the case.

## Key Messages

- The case was tried in full accordance with state law and appropriate judicial principles in front of the peers of the accused.
- Official sources of information about court cases and sentencing are [insert relevant court communications channels].
- Online posts from unofficial accounts are not reliable sources of information and may be fake or spreading false information.
- The integrity of our justice system is our top priority. There are established mechanisms to appeal a case if a review is warranted. [Explain why that is or is not the case in this situation].
- Please exercise caution and verify information when you see accusations online based on false and misleading accounts of the case.

Peer Email



Sample Tweet



Dear Colleague,

We are investigating numerous false posts regarding [name of case]. The official record of the court proceedings can be found [link to relevant court comms or documents]. While there is an ongoing investigation, I am writing to provide some information that may be helpful to you in responding to inquiries from media or the public.

The false online posts make claims that may be designed to reduce public trust in the justice system. These posts are incorrect. The case was tried in full accordance with state law and appropriate judicial principles in front of peers of the accused.

To investigate this matter, [name of relevant court officials] are coordinating with [relevant law enforcement agency]. As you know, disinformation investigations can take time and we want to ensure that all information we provide is accurate. We will provide more information when we can.

Please feel free to use the information above as you communicate with your colleagues and the public. If you have further questions, please contact [name of designated DRT member].

Sincerely,

[Name]



The official record of the court proceedings involving [name of case] can be found here [link to site]. Please exercise caution and verify information when you see accusations online based on false and misleading accounts of the case.

# Scenario 1

## TEMPLATES



### **Is it true the court is systematically minimizing crimes by migrant workers for fear of being politically incorrect?**

- The case was tried in full accordance with state law and appropriate judicial principles in front of a jury.
- The integrity of our justice system is our top priority. There are established mechanisms to appeal a case if a review is warranted. [Explain why that is or is not the case in this situation].



### **Are these posts a coordinated attempt to influence public trust in the criminal justice system?**

- We cannot speculate about that. As you know, investigating disinformation can take time, and we want to ensure that all information we provide is accurate. We will provide more information when we can.
- To investigate this matter, [name of relevant court officials] are coordinating with [relevant law enforcement agency].



### **What evidence was presented to convince the jury that this man was not guilty? The evidence shared online definitely makes it look like this was manslaughter.**

- Official sources of information about court cases and sentencing are [insert relevant court communications channels].
- Online posts from unofficial accounts are not reliable sources of information and may be fake or spreading false information.
- Please exercise caution and verify information when you see accusations online based on false and misleading accounts of the case.



### **If the information is false, who is creating these misleading posts online and why?**

- It is too early to characterize the accounts that have posted false information.
- Please exercise caution and verify information when you see accusations online based on false and misleading accounts of the case.
- This is an ongoing investigation, and we will provide more information when we can.



## Scenario 2:

# Impeachment campaign against a judge started by an upset political party

### Scenario Summary

A state court judge decides to strike down proposed legislative and congressional maps favored by a political party. The judge ruled that the maps prepared by the party were not in accordance with state law. Unsatisfied with the judge's decision, members of the unsatisfied political party begin a campaign to impeach the justice, spreading false allegations that the judge's ruling violates state election law. The movement gains so much traction that a top-tier media outlet reports that an unnamed lawmaker has sided with the operative groups and filed impeachment charges against the justice.

### Interim Statement

The court ruling related to redistricting maps can be found [insert link to document]. Anyone seeking an accurate account of the decision can find those details in full on this site.

Ensuring a fair electoral system in [INSERT STATE], as outlined by state and federal law, is the Constitutional obligation of the court. The ruling is based on the law, not politics.

It is important that the independence of the judicial branch is maintained and that judges interpret the law objectively.

Again, please refer to [link to relevant court communications or documents] for accurate information on the case.

### Key Messages

- The ruling was issued in full accordance with state law and appropriate judicial principles.
- Ensuring a fair electoral system in [INSERT STATE], as outlined by state and federal law, is a priority of the court. The ruling is based on the law and a requirement to uphold the Constitution, not politics.
- The court ruling related to redistricting maps can be found [INSERT LINK TO DOCUMENT].
- Judicial independence is a foundational principle in our state court system.
- We encourage citizens to review the redistricting ruling which is available to the public.

## Scenario 2

TEMPLATES



Peer Email



Sample Tweet



The official rationale behind the decision in [name of case] can be found here [link to site]. Ensuring a fair electoral system in [INSERT STATE], as outlined by state and federal law, is a priority of the court. The ruling is based on legal standards, not politics.



Dear Colleague,

As you are aware, there is an impeachment campaign against [insert name of judge]. An accurate account of the court ruling related to the redistricting maps can be found [insert link to document]. While the impeachment campaign continues, I am writing to provide some information that may be helpful to you in responding to inquiries from media or the public.

The ruling issued by Judge [insert name of judge] is in full accordance with state law and appropriate judicial principles. [Insert name of judge] has an exemplary record [insert language attesting to the judge's professional record]. [Insert name of judge] is subject to [insert appropriate judicial accountability mechanism] and [is not/has never been] under investigation.

Ensuring a fair electoral system in [INSERT STATE], as outlined by state and federal law, is a priority of the court. The ruling is based on the law and a requirement to uphold the Constitution, not politics. [Insert language explaining ruling in succinct and accessible terms.]

Please feel free to use the information above as you communicate with your colleagues and the public. If you have further questions, please contact [name of designated DRT member].

Sincerely,

[Name]



**Are these allegations a coordinated attempt to undermine the legitimacy of judge [insert name]?**

- We are not speculating nor are we commenting on the source of the allegations.
- Right now, our concern is ensuring the public understands that the ruling was issued in full accordance with state law and appropriate judicial principles. The ruling can be found [INSERT LINK TO DOCUMENT].
- Maintaining a fair electoral system in [INSERT STATE], as outlined by state and federal law, is a priority of the court. The ruling is based on the law, not politics.



**What was the basis of the judge's decision? [Insert name of political party] states that the judge acted unlawfully because they based their decision on [insert judicial principal].**

- [Insert plain language/layperson term explanation of the ruling].
- Judges swear an oath to uphold the law of [insert state]. They take this solemn oath seriously.
- [If applicable, discuss judicial review processes that provide checks and balances to decisions].



**Is the court intentionally favoring [insert political party] through this ruling?**

- The decision reached by the court in [name of case] was conducted in full accordance with state law in an unbiased fashion.
- The judges on this court are held to a high standard and make decisions based on the law and facts at hand; they do not make decisions based on personal or political party beliefs.
- Maintaining a fair electoral system in [INSERT STATE], as outlined by state and federal law, is a priority of the court. The ruling is based on the law and a requirement to uphold the Constitution, not politics.

## Scenario 3:

# A group leaks a forged opinion which risks undermining public trust in the court

## Scenario Summary

A state supreme court heard arguments on a controversial case this term. They are expected to release a decision on this high-profile case soon, but the exact date the opinion will be made public is unknown. As the court's summer recess date grows nearer, a leaked court opinion is published by a local top-tier media outlet as breaking news. The document appears to be legitimate, but the court knows internally that the document is not accurate and includes forgeries. The decision is not final, so the court cannot comment on the substance, but must ensure the public is not acting on false information.

## Interim Statement

The status of the court proceedings involving [name of case] can be found [link to court webpage or documents]. Anyone seeking an accurate update of the case can find those details in full on this site.

The leaked opinion is confirmed to be a forged document and does not reflect the final opinion of the court. The court takes matters of privacy and confidentiality very seriously. There are well-established mechanisms in place to ensure court decisions remain confidential until an opinion has been finalized and is ready to be made public.

Attacks to undermine the court's legitimacy as an institution threaten the court's functioning. Again, please refer to [link to relevant court communications or documents] for accurate information on the case.

## Key Messages

- The court has not yet released an opinion on [insert case name]. The opinion will be posted [insert court webpage] on or before [insert date]. The court page is the official site where the opinion will be released.
- [Insert additional details on opinion release process/schedule if applicable]
- The leaked opinion contains false information and additions that are not part of court deliberations.
- The court has referred the matter to law enforcement to investigate who may have released these forged documents.
- The integrity of our justice system is our top priority. We encourage citizens of [INSERT STATE] to visit [INSERT COURT WEBPAGE] for the most up-to-date information on [INSERT CASE NAME].



Dear Colleague,

We are investigating the origins of the leaked opinion regarding [name of case]. The most up-to-date information of the court proceedings can be found [link to site]. While there is an ongoing investigation, I am writing to provide some information that may be helpful to you in responding to inquiries from media or the public.

The leaked opinion is a forged document and does not reflect the final opinion of the court. The court has referred the matter to law enforcement to investigate who may have issued these forged documents. We will provide more information when we can.

At this time, it is important to help citizens understand the process and where to expect the official opinion. The opinion will be posted [insert court webpage] on or before [insert date]. The court page is the official site where the opinion will be released. [Insert additional details on opinion release process/schedule if applicable]

Please feel free to use the information above as you communicate with your colleagues and the public. If you have further questions, please contact [name of designated DRT member].

Sincerely,

[Name]

Peer Email



Sample Tweet



The published alleged opinion contains false information and additions that are not part of court deliberations. The most up-to-date information involving the case can be found [link to site]. The final opinion will be posted [link to site] on or before [insert date].

## Scenario 3

### TEMPLATES

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#### **How can you prove the leaked opinion was a forged document?**

- The court has not yet released its final decision in [name of case]. That opinion will provide the official and accurate decision.
- The leaked opinion contains false information and additions that are not part of court deliberations. The court has referred the matter to law enforcement to investigate who may have issued these forged documents.
- The integrity of our justice system is our top priority. We encourage citizens of [INSERT STATE] to visit [INSERT COURT WEBPAGE] for the most up-to-date information on [INSERT CASE NAME].



#### **What are the motives behind the forged opinion?**

- We will not speculate on the motivations behind the forgery. We will leave that matter for the law enforcement investigation.



#### **What steps is the court taking to ensure this does not happen again?**

- The court takes the security and confidentiality of internal matters very seriously. We will review our procedures and update them as necessary.

## Scenario 4:

# Rumors about judicial corruption leads to death threats

### Scenario Summary

A state court is hearing a high-profile, controversial case. People begin to accuse the judge of favoring the defendant during trial, leading to rumors that the judge is corrupt. Threats of harm have been made against the presiding judge and/or their family members. The judge's personal information has been posted on the internet by critics. Angry groups have begun to gather outside of the judge's home at night.

### Interim Statement

The official record of the court proceedings involving [name of case] can be found [link to relevant court comms or documents]. Anyone seeking an accurate account of what occurred during the trial can find those details in full on this site.

The court reminds the people of [insert state name] that judges are held to a high standard of accountability via appropriate checks and balances. [Insert case name] has proceeded in full accordance with state law and appropriate judicial principles.

Threats against a judge are inappropriate in our democracy. Again, please refer to [link to relevant court communications or documents] for accurate information on the case.

### Key Messages

- The integrity of our justice system is the court's top priority.
- There are many avenues in our democracy to demonstrate displeasure with the court's actions — appeals, advocacy groups, protests — but threats and violence are unacceptable.
- The court reminds the people of [insert state name] that judges are held to a high standard of accountability via appropriate checks and balances.
- Threats against a judge are inappropriate in our democracy. It is important for judges to be safe as they do their job to make impartial decisions on difficult matters.
- [Insert case name] has proceeded in full accordance with state law and appropriate judicial principles.

## Scenario 4

TEMPLATES



Peer Email



Sample Tweet



There are many ways to demonstrate displeasure with court actions, but threats and violence are unacceptable. Judges should feel safe in their work to make impartial decisions.



Dear Colleague,

We are investigating the threats against [insert justice name]. The official record of court proceedings can be found here [insert link to site]. While the threats are ongoing, I am writing to provide some information that may be helpful to you in responding to inquiries from media or the public.

Threats of violence against the court are highly inappropriate. Judges of [insert state name] are held to a high standard of accountability, and it is important they feel safe so that they can make impartial decisions.

To investigate this matter, [name of relevant court officials] are coordinating with [relevant law enforcement agency]. We will provide more information when we can.

Please feel free to use the information above as you communicate with your colleagues and the public. If you have further questions, please contact [name of designated DRT member].

Sincerely,

[Name]





**Who instigated and now continues to perpetuate the rumors and threats about the judge?**

- To investigate this matter, [name of relevant court officials] are coordinating with [relevant law enforcement agency].
- We are doing our best to protect the safety of court officials.
- We will not speculate to the origin or perpetrators of the rumors and threats.



**How do you respond to claims that the judge is mishandling the proceedings in the court?**

- The judge continues to act in full accordance with court procedures, the facts, and the law.
- [Insert procedures for appropriate accountability measures to appeal/investigate judicial conduct.]



**What is the court doing to mitigate the impact of the threats and rumors against the judge?**

- We are doing our best to ensure the safety of all court officials.
- As we stated, the rumors about the judge have no basis. The court has remained impartial in its proceedings over this trial. We continue to emphasize this.

## Scenario 5:

# Allegations that the court is ignoring voter irregularities and voter fraud

## Scenario Summary

A candidate loses a tight election and has unsuccessfully exhausted their legal challenges to change the outcome. State courts have denied all of the candidate's appeals. Not satisfied with the decision, supporters of the candidate allege the presiding state court judges came to a predetermined outcome because they support the prevailing candidate's party. They claim the courts ignored evidence of voter fraud. Each of these fraud claims has been investigated by state investigatory agencies that found the allegations to have no merit. Despite the findings, the allegations persist.

## Interim Statement

The court rulings related to candidate election challenges can be found [insert link to document]. Anyone seeking an accurate account of the rulings can find those details in full on this site.

The case was heard in full accordance with state election law and appropriate judicial principles. The candidate availed themselves of their appeal options, which the court thoroughly considered before making its decision.

The integrity of our elections and justice system is a top priority of the court. We encourage the citizens of [insert state] to visit [insert court webpage] for accurate information about [insert election year] election cases and decisions.

## Key Messages

- The court rulings related to candidate election challenges can be found [INSERT LINK TO DOCUMENT].
- The case was tried in full accordance with state [election] law and appropriate judicial principles.
- The integrity of our elections and our justice system is a top priority of the court. There are well-established mechanisms to appeal court decisions for additional review.
- [The candidate availed themselves of their appeal options which the court considered thoroughly before making its decision.]
- Again, we encourage the citizens of [INSERT STATE] to visit [INSERT COURT WEBPAGE] for accurate information about [INSERT ELECTION YEAR] election cases and decisions.



Dear Colleague,

We are aware of the false allegations that the court mishandled [name of case]. The court rulings related to the case can be found [insert link to document]. While the claims continue, I am writing to provide some information that may be helpful to you in responding to inquiries from the media or the public.

State agencies have investigated the allegations and found they have no merit. The court's findings corroborate the investigation results. The unsuccessful candidate availed themselves of their appeal options, which the court thoroughly considered before making its decision. The appeals process was conducted in full accordance with state election law and appropriate judicial principles.

Please feel free to use the information above as you communicate with your colleagues and the public. If you have further questions, please contact [name of designated DRT member].

Sincerely,

[Name]

Peer Email



Sample Tweet



The court rulings related to candidate election challenges can be found [insert link to document]. We encourage citizens of [insert state] to find accurate information about [insert election year] cases and decisions.

## Scenario 5

### TEMPLATES

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**How does the court know the state's investigation into the alleged voter fraud was thorough and impartial?**

- The court examined the state's investigatory findings. They were found to be conducted in full accordance with procedures in an unbiased fashion.



**How can you prove the candidate had ample opportunity to appeal the election decision?**

- As we stated, the candidate availed themselves of their appeal options, which the court thoroughly considered before making its decision.
- [insert plain language/layperson term explanation of appeals process].
- The integrity of our elections and justice system are a top priority of the court. We encourage the citizens of [insert state] to visit [insert court webpage] for accurate information about [insert election year] election cases and decisions.



**Can you elaborate on the decision and why the court denied candidate X's claims?**

- [insert plain language/layperson term explanation of the ruling]



**How do you answer charges that this was a predetermined outcome and that judges were always going to support the candidate who won because they are from the same party?**

- Judges are sworn to uphold the law of [insert state]. They take this solemn oath seriously.
- [If applicable discuss judicial review processes that provide checks and balances to decisions].
- The court decides cases on their merit. This is a judge's duty and the standard on which they determine the outcomes of cases.



## Conclusion

Misinformation and disinformation challenges to state courts are increasing. This playbook provides a critical framework to assist court leaders in being prepared to confront such attacks in real time.

**For the latest updates and more resources in the fight to counter disinformation against the state courts, visit [ncsc.org/disinformation](https://ncsc.org/disinformation).**







# BRUNSWICK